



CITY OF SAN PABLO

City of New Directions

PUBLIC HEARING

AMENDMENT TO ZONING ORDINANCE

PLAN 2507-0001

AMENDMENT TO THE SAN PABLO ZONING CODE CHAPTER 17.60, SPECIAL RESIDENTIAL USES, SECTION 17.60.070, ACCESSORY DWELLING UNITS, TO ALLOW THE SALE OF ACCESSORY DWELLING UNITS (ADUS) AS CONDOMINIUMS, AS AUTHORIZED BY ASSEMBLY BILL 1033 AND PURSUANT TO 2025-2027 CITY COUNCIL PRIORITY WORKPLAN POLICY 301.4

CITY COUNCIL MEETING

NOVEMBER 17, 2025



BACKGROUND

- ❖ Assembly Bill 1033 (Ting) allows for the sale of ADUs as condominiums in California through removal of the previous restrictions (e.g., ownership by a nonprofit)
- ❖ Approved by the Governor October 11, 2023, and effective January 1, 2024; incorporated as Section 66342 of Government Code
- ❖ Just a handful of cities have adopted this – San Jose, Santa Cruz, Santa Monica, San Francisco, and Martinez.
- ❖ First ADU condominium permit approved on August 14, 2025, in San Jose.
- ❖ Allowing ADU condominiums in San Pablo will allow residents to pursue building home equity at a smaller, more affordable scale than traditional home purchases
- ❖ ADUs are a significant component of San Pablo's annual Regional Housing Needs Allocation (RHNA) compliance (29 of 42 units in 2024).



BACKGROUND, CONT.

- ❖ City Council added the following policy to the Major Policy Area of Expand Housing Options in their Priority Workplan (Reso. 2024-127, October 7, 2024):
301.4 Explore the Feasibility to: (1) Expand Financial Assistance Program(s) Available to Qualified, Local Residents (With Appropriate Funding Source Identified) that Potentially Increases Home Ownership Opportunities for Legally, Permitted Accessory Dwelling Units (ADUs) within City Limits, and (2) Conduct Further Legal Analysis and Operational Study on Substantial Compliance with SB9 Regulatory Requirements for Applicable Residential Zones Within the City.
- ❖ Added to FY 2025-27 Priority Workplan, adopted April 7, 2025 (Reso 2025-044).
- ❖ Update provided at Economic Development, Housing, and Project Management Standing Committee on May 29, 2025.
- ❖ Planning Commission recommended approval at meeting on October 28, 2025



ZONING ORDINANCE AMENDMENTS

- ❖ Proposed amendment based on the following:
 - ❖ Required text contained in Government Code Section 65852.2(a)(10)
 - ❖ City of Santa Monica Ordinance used as a model
 - ❖ Implementation guideline prepared by the Casita Coalition, a housing advocacy organization that promotes diverse housing solutions. <https://www.casitacoalition.org/>



SUMMARY OF PROPOSED CHANGES

1. Deletion of Section 17.60.070.E.2, Location, which prohibits the location of an ADU on a separate lot from the primary dwelling.
2. Amendment to Section 17.60.070.H, Occupancy limits, to add a provision that an ADU is not subject to an owner-occupancy requirement.
3. Deletion of Section 17.60.070.I.4 Deed Restrictions, to remove the listed limitations on sale of an ADU separate from the primary residence

[Note that this amendment is in addition to the amendments to this section contained within a separate proposed omnibus zoning ordinance amendment Planning Case 2507-0002, which includes the removal of deed restrictions for ADUs for compliance with State law]



SUMMARY OF PROPOSED CHANGES, Cont.

4. The addition of a new Section 17.60.070.J, detailing the provisions for separate sale
5. The addition of a new Section 17.60.070.K, Accessory Dwelling Unit Condominiums, which specifies the purpose and procedures for the separate sale or conveyance of ADUs as condominiums or as tenancy in common and identifies ADU condominium and tenancy in common requirements.



PROVISIONS FOR SEPARATE SALE

- ❖ Does not apply to Junior ADU (JADUs)
- ❖ May be as a condominium or tenancy in common
- ❖ For tenancy in common, must have an agreement with specified contents
 - ❖ Interest based on relative size of dwelling
 - ❖ Must offer first right of refusal for sale
 - ❖ Buyer must occupy as principal residence
 - ❖ Grant deed shall be recorded
 - ❖ May require separate water, sewer or electrical, depending on utility provider



ADU CONDOMINIUM PROVISIONS

- ❖ Must comply with other provisions of San Pablo Municipal Code (SPMC)
- ❖ Subject to Davis-Stirling Common Interest Development Act in Calif. Civil Code
- ❖ Must comply with Subdivision Map Act and Chapter 16 of SPMC
- ❖ Must comply with Chapter 15.44, Condominium Conversions, of SPMC
- ❖ Must have a safety inspection through a C of O or housing quality standards report
- ❖ Lienholders consent is required
- ❖ Notice to consumers required
- ❖ Lender consent may be necessary
- ❖ Notification of utilities required
- ❖ Existing Homeowners Association consent required



GENERAL PLAN COMPLIANCE

- ❖ *LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing and future needs of the City, as well as physical constraints.*
- ❖ *LU-G-2: Ensure planned land uses are compatible with existing uses and provide for appropriate transitions or buffers for new uses, as needed.*
- ❖ *LU-I-3: Ensure that land use development occurs in an orderly fashion and in pace with the expansion of public services and utilities.*
- ❖ *LU-G-5: Promote a variety of housing types and prices within neighborhoods to serve the needs of all economic segments of the community.*



HOUSING ELEMENT COMPLIANCE

- ❖ *Housing Element Goal #1: Increase housing supply and facilitate production of at least 800 new homes by 2031.*
- ❖ *Housing Element Policy 1-2: Promote development of a variety of housing types, sizes, and densities that meet community needs based on the suitability of the land, including the availability of infrastructure, the provision of adequate services and recognition of environmental constraints.*
- ❖ *Housing Element Policy 1-3: Identify and work to reduce or remove regulatory and process-related barriers to housing development in San Pablo.*
- ❖ *Housing Element Policy 1-5: Continue to encourage the provision of a variety of housing choices and types in the community, including innovative forms of housing.*
- ❖ *Housing Element Goal #2: Take action to address affordability and housing security for all income groups and family types in San Pablo.*



ZONING ORDINANCE COMPLIANCE

The proposed amendments are consistent with the purposes of the Zoning Ordinance:

- ❖ Section 17.01.020, *“Purpose,” the purpose of the ordinance is to promote growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare in conformance with the general plan.*
- ❖ Section 17.32.010, *“Purpose,” the ordinance helps to produce healthy, safe, and attractive neighborhoods in San Pablo, consistent with the policy direction in the San Pablo general plan.*



ZONING ORDINANCE AMENDMENTS

PUBLIC HEARING NOTICE

- ❖ Public hearing notice published in the West County Times (West Contra Costa edition of East Bay Times) newspaper on October 28, 2025.

ENVIRONMENTAL DOCUMENTATION

- ❖ The proposed amendment is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of accessory dwelling unit ordinances or amendments thereto.
- ❖ Also categorically exempt, 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 it consists of minor changes to land use regulations that do not, on their own, impact the environment. Any projects proposed pursuant to the changes proposed would be separately evaluated for their environmental impacts.



CONCLUSION

- ❖ Updates Zoning Ordinance to allow for the sale of ADUs, as now allowed by State Law and encouraged by the City Council Priority Workplan Policy 301.4
- ❖ Will allow opportunities for San Pablo residents to access a new form of home ownership and equity building.
- ❖ Will be consistent with the goals of the General Plan and Housing Element and the purposes of the Zoning Ordinance.



RECOMMENDATION

- ❖ Recommended for approval by Planning Commission on October 28, 2025, by Resolution PC25-16 (4 ayes, 1 absent)
- ❖ Review proposed amendment, as set forth in proposed Ordinance and summarized in the Staff Report
- ❖ Conduct a Public Hearing, waive first reading, introduce Ordinance amending the San Pablo Zoning Code Chapter 17.60, Special Residential Uses, Section 17.60.070, Accessory Dwelling Units, to allow the sale of Accessory Dwelling Units as Condominiums.



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QUESTIONS?