

## ORDINANCE 2026-###

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING THE SAN PABLO ZONING CODE, SECTION 17.32.030.B, RESIDENTIAL USES ALLOWED, EXCEPTIONS; SECTION 17.34.030.B, COMMERCIAL AND INDUSTRIAL USES ALLOWED, EXCEPTIONS; SECTION 17.36.030.B, PUBLIC AND SEMI-PUBLIC DISTRICTS ALLOWED, EXCEPTIONS; AND SECTION 17.38.050, AIR QUALITY AND HEALTH RISK OVERLAY DISTRICT, OF THE MUNICIPAL CODE TO ALLOW FOR RESIDENTIAL DEVELOPMENT AND SENSITIVE USES, INCLUDING SCHOOLS, DAY CARE FACILITIES, HOSPITALS, AND PARKS OR PLAYGROUNDS TO BE LOCATED IN THE AIR QUALITY HEALTH RISK OVERLAY DISTRICT (D3) SUBJECT TO CERTAIN CONDITIONS.**

The City Council of the City of San Pablo does ordain as follows:

**Section 1.** The City Council makes the following findings, pursuant to Section 17.22.040 of the San Pablo Municipal Code:

- A. On May 4, 2015, the City of San Pablo adopted Ordinance 2015-002 amending the San Pablo Zoning Code to include an Overlay District along 500 feet of either side of Interstate 80 within San Pablo to protect sensitive receptors, including residential development, parks and other open spaces, schools, childcare facilities, senior centers, hospitals and medical facilities, from toxic air emissions.
- B. Administration of the resulting Section 17.38.050, Air Quality and Health Risk Overlay District (D3) has been problematic in that it is broad in terms of the uses that are not permitted, is not consistent with current contaminant concerns and designations of sensitive use types recognized by the Bay Area Quality Management District (BAAQMD) and it does not provide specific guidance as to appropriate project-level mitigation measures that may be incorporated as conditions to development in order to reduce potential impacts.
- C. City of San Pablo staff consulted with staff of the BAAQMD to prepare an amendment to Section 17.38.050 to allow residential uses and sensitive uses with appropriate mitigation and to incorporate best practices from other communities that have similar overlay districts.
- D. A proposed amendment to the San Pablo Zoning Code to allow for the development of residential and sensitive uses in the Air Quality And Health Risk Overlay District, including schools, day care facilities, hospitals, and parks or playgrounds, with residential uses not requiring a Conditional Use Permit, but subject to specific objective criteria including enhanced ventilation and reduced sound transmission, and sensitive uses subject to a Conditional Use Permit (where allowable) and the requirement to meet specific criteria, including site design and building orientation, enhanced ventilation, reduced sound

transmission, and other conditional measures, including landscape buffering and Transportation Demand Management (TDM) measures to reduce vehicle miles traveled, has been recommended for approval by the Planning Commission of the City of San Pablo through adoption of Resolution PC 25-20, following a duly noticed public hearing on February 24, 2026.

E. A duly noticed public hearing of the City Council was held on April 6, 2026, to consider this amendment to the Zoning Ordinance of the City of San Pablo codified as Title 17 of the San Pablo Municipal Code.

F. This Ordinance is consistent with the following City of San Pablo General Plan Policies for Land Use and Housing:

*LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing and future needs of the City, as well as physical and natural 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-G-4: Protect and enhance quality of life in the city's residential neighborhoods.*

*OSC-G-8: Protect and improve the air quality in San Pablo.*

*OSC-I-20: Maintain a 500-foot Air Quality Health Risk Overlay Zone on either side of Interstate 80 within the Planning Area to protect sensitive receptors from toxic air emissions. Within this overlay, avoid approval of new sensitive land uses, and for those projects permitted, require site-specific project design improvements (such as higher-performance windows and HVAC systems) in order to reduce public health risks associated with poor air quality in these locations.*

*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.*

G. The proposed amendment is consistent with the purposes of the Zoning Ordinance.

*Pursuant to 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. In addition, pursuant to Zoning Ordinance 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.*

- H. The proposed amendment to the San Pablo Zoning Code was previously evaluated in the Addenda to the 2030 General Plan EIR (certified on April 18, 2011) prepared for the General Plan Update 2035 (adopted on July 7, 2025), which found that there would not be any new or additional significant environmental impacts due to adoption of the General Plan Update. This amendment is also exempt from CEQA pursuant to Pub. Res. Code section 21080.085 which states that CEQA does not apply to a rezoning that implements Housing Element actions. Finally the amendment is also categorically exempt from the provisions of CEQA in accordance with 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 in that it consists of minor changes to land use regulations that do not, on their own, impact the environment.

**Section 2.** Section 17.32.030.B, Residential Uses Allowed, Exceptions; Section 17.34.030.B, Commercial and Industrial Uses Allowed, Exceptions; Section 17.36.030.B, Public and Semi-Public Districts Allowed, Exceptions; and Section 17.38.050, Air Quality and Health Risk Overlay District, of the San Pablo Zoning Ordinance, is hereby amended to read as follows:

## **Chapter 17.32. Residential Districts, Allowed Uses, and Development Standards**

### **§ 17.32.030. Uses allowed.**

- B. Exceptions. Notwithstanding the provisions of Table 17.32-A, the following provisions apply:
1. Railroad lines. Any development within three hundred feet of a railroad line that is used at least once daily shall require a use permit to ensure that the development adequately mitigates noise and vibration from the rail operations, pursuant to the relevant policies and actions under the general plan.
  2. Streams. In the absence of any other permit requirement, any development, including land disturbance, that is within fifty feet of any stream shall require an administrative use permit to ensure that the development adequately avoids impacts to wetland features or woodlands, reduces impacts to the creek, and prevents degradation of riparian and wetland features from potential urban pollutants, pursuant to the relevant policies and actions related to creeks within the general plan.
  3. Specific plans. Development on specific plan areas follow their provisions.
  4. Sensitive Uses as defined in Section 17.38.050.C which are located in the Air Quality Health Risk Overlay District (D3) must obtain a conditional use permit unless the Sensitive Use is required by State Law to be permitted by right or is considered a residential use by this Zoning Ordinance or State Law. Sensitive Uses are also subject to the requirements in Section 17.38.050.E.

## **Chapter 17.34. Commercial and Industrial Districts, Allowed Uses, and Development Standards**

### **§ 17.34.030. Uses allowed.**

- B. Exceptions along railroad lines and streams. Notwithstanding the provisions of Table 17.34-A, the following provisions apply:
  - 1. Any development, except industry—limited, industry—general, and salvage yards, within three hundred feet of a railroad line that is used at least once daily shall require a use permit to ensure that the development adequately mitigates noise and vibration from the rail operations, pursuant to the relevant policies and actions under the general plan.
  - 2. Any development, including land disturbance, that is within fifty feet of any stream shall require a use permit to ensure that the development adequately avoids impacts to wetland features or woodlands, reduces impacts to the creek, and prevents degradation of riparian and wetland features from potential urban pollutants, pursuant to the relevant policies and actions related to creeks within the general plan.
  - 3. Sensitive Uses as defined in Section 17.38.050.C which are located in the Air Quality Health Risk Overlay District (D3) must obtain a conditional use permit unless the Sensitive Use is required by State Law to be permitted by right or is considered a residential use by this Zoning Ordinance or State Law. Sensitive Uses are also subject to the requirements in Section 17.38.050.E.

## **Chapter 17.36. Public and Semi-Public Districts, Allowed Uses, and Development Standards**

### **§ 17.36.030. Uses allowed.**

- A. Exceptions along railroad lines and streams. Notwithstanding the provisions of Table 17.36-A, the following provisions apply:
  - 1. Any development within three hundred feet of a railroad line that is used at least once daily shall require a use permit to ensure that the development adequately mitigates noise and vibration from the rail operations, pursuant to the relevant policies and actions under Goal PS 4 of the general plan.
  - 2. Any development, including land disturbance, that is within fifty feet of any stream shall require a use permit to ensure that the development adequately avoids impacts to wetland features or woodlands, reduces impacts to the creek, and prevents degradation of riparian and wetland features from potential urban pollutants, pursuant to the relevant policies and actions related to creeks under Goal ER 1 of the general plan.
  - 3. Sensitive Uses as defined in Section 17.38.050.C which are located in the Air Quality Health Risk Overlay District (D3) must obtain a conditional use permit unless the Sensitive Use is required by State Law to be permitted by right or is considered a residential use by this

Zoning Ordinance or State Law. Sensitive Uses are also subject to the requirements in Section 17.38.050.E.

## **Chapter 17.38. Overlay and Special Districts**

### **§ 17.38.050. Air quality health risk overlay district (D3).**

A. Location. The zone extends five hundred feet from Interstate 80 on both sides of the freeway.

1. Purpose. The purpose of the air quality health risk overlay district (D3) is to protect residential uses and sensitive receptors from fine particulate matter (PM<sub>2.5</sub>), diesel particulate matter (diesel PM), and other toxic air containments (TACs), consistent with Bay Area Air Quality Management District guidelines, along the Interstate 80 corridor.

B. Definitions. The following definitions apply:

“Enhanced Ventilation” means a ventilation system capable of achieving the protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 16 filtration (as defined by American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standard 52.2).

“Qualifying Project” means a project that is subject to the requirements of this section because it includes one or more of the following components:

1. New construction. The construction of a new stand-alone building.
2. Major improvement. The alteration of any occupiable building(s) or structure(s) on a parcel or more than one commonly-owned group of parcels, which does not expand the building(s) or structure(s), and for which the aggregate value of the alterations within any 24-month period exceeds 50 percent of the replacement cost of the building(s) and structure(s) on the subject parcel(s), as calculated by the Building Division.
3. Addition. The expansion of any existing building(s) or structure(s), with or without other alterations to the building(s) or structure(s), on a on a parcel or more than one commonly owned group of parcels, in which the total aggregate value of work in any 24-month period exceeds 50 percent of the replacement cost of all buildings and structures on the entire subject parcel(s), as calculated by the Building Division.

“Sensitive Uses” means schools, daycare facilities, hospitals, care facilities for seniors or disabled persons, and parks or playgrounds

C. Standards. The following standards apply to Qualifying Projects in the Air Quality Health Risk Overlay District:

1. Sensitive Uses shall be permitted in the air quality overlay district only with a conditional use permit as required by this Chapter and only upon incorporation of conditional use permit conditions of approval sufficient to avoid significant risks to health and safety. A conditional use permit shall not be required for residential uses or where otherwise prohibited by State Law.
  2. Site Design and Building Orientation. Orient sensitive use facilities to face away from the I-80 frontage and approach ramps. Locate placement of entries, operable windows and building intakes away from the I-80 frontage and approach ramps.
  3. Enhanced Ventilation Requirement. Qualifying Projects must provide an Enhanced Ventilation Plan for City review and approval. The Enhanced Ventilation Plan shall be prepared by a licensed mechanical engineer or otherwise authorized individual and shall certify that the proposed ventilation system will be capable of achieving protection from particulate matter (PM2.5), equivalent to that associated Minimum Efficiency Reporting Value (MERV) of 16. Filters shall be installed prior to occupancy, and recommendations for maintenance with filters of the same value shall be included in the Enhanced Ventilation Plan.
  4. Reduced Sound Transmission. Construction of interior walls, partitions, and floor/ceiling assemblies shall follow the Sound Transmission requirements of the California Building Code for residential projects (Section 1206) and the California Green Building Code, Chapter 5, Division 5.5 for non-residential projects near freeways to reduce interior noise levels and to meet San Pablo noise standards contained in Chapter 17.50 of the Zoning Code.
- D. Special Conditional Use Permit Criteria. In the Air Quality Health Risk Overlay District, a Conditional Use Permit shall only be granted to a Qualifying Project upon determination that the proposal meets the criteria set forth in the Conditional Use Permit procedure (see Section 17.20.040, and also meets the following additional criteria:
1. Landscape buffer. A landscape professional shall submit and execute a plan for a landscape buffer to minimize pollution exposure that includes trees or shrubs that will grow to be between 6-8 feet high when mature, are low in water use, low in biogenic emissions, are high in carbon and particulate matter filtration qualities, and retain foliage for most months of the year. (Refer to Bay Area Air Quality Management District vegetative buffer guidelines).
  2. Transportation Demand Management (TDM) Program. Prepare and execute a TDM plan and program for the project to reduce vehicle miles traveled and comply with the recommendations of the plan. Recommendations may include measures such as providing car or bike share facilities; incorporating bicycle parking, storage, and/or maintenance facilities; and providing transit passes for residents/employees.

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

**Section 4. Severability.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

**Section 5. 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.

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First introduced at a regular meeting of the City Council of the City of San Pablo on April 6, 2026, and finally passed and adopted at a second meeting of the City Council held on April 20, 2026, by the following votes:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

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Dorothy Gantt, City Clerk

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Elizabeth Pabon Alvarado, Mayor