

## ORDINANCE 2020-011

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING ZONING ORDINANCE CHAPTERS 17.34, 17.42, 17.54, 17.60, 17.68, 17.70, AND APPENDIX A, REGARDING ACCESSORY DWELLING UNITS, JUNIOR ACCESSORY DWELLING UNITS, AND ACCESSORY STRUCTURES**

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. This ordinance was initiated by City of San Pablo staff as a means of amending the San Pablo Zoning Ordinance to bring it into consistency with recent State legislation pertaining to accessory dwelling units and related provisions and has been recommended by the Planning Commission of the City of San Pablo following a duly noticed public hearing on October 27, 2020.
- B. A duly noticed public hearing was held by the City Council on November 16, 2020 to consider these amendments to the Zoning Ordinance of the City of San Pablo codified as Title 17 of the San Pablo Municipal Code.
- C. As further described in the City Council staff report accompanying this Ordinance, the Ordinance is consistent with the City of San Pablo General Plan Policies for Residential Neighborhoods and with the policies of the Housing Element:  
  
*LU-G-4: Protect and enhance quality of life in the city's residential neighborhoods.  
LU-G-5: Promote a variety of housing types and prices within the neighborhoods to serve the economic needs of all segments of the community.  
Housing Goal H-3: Affordability and the Adequate Provision of Housing  
Provide a diversity of housing types to meet the needs of all economic segments and family types in San Pablo.*
- D. As further described in the City Council staff report accompanying this Ordinance, this Ordinance 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.*

*The ordinance helps to facilitate the provision of additional housing units in San Pablo through the development of accessory dwelling units within existing and proposed single-family and multi-family neighborhoods and in compliance with California housing law.*

- E. Pursuant to the California Environmental Quality Act, the proposed amendment is statutorily exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15282(h) as well as with Section 15061(b)(3), as it has no potential for causing a significant effect on the environment, and the City Manager is directed to ensure that a Notice of Exemption is filed with the County Clerk.

**Section 2.** Section 17.32.020, Intent of individual districts, in Chapter 17.32, Residential Districts, Allowed Uses, and Development Standards, is amended in its entirety to read as follows:

**17.32.020. Intent of individual districts.**

A. R-1 District. The R-1 single-family residential district is intended to implement the single-family residential land use designation in the general plan by providing opportunities for single-family homes on individual parcels. The maximum density ordinarily allowable in this district is twelve dwelling units per acre. Accessory dwelling units and accessory uses are also allowed.

B. R-2 District. The R-2 two-family residential district is intended to implement the medium-density multifamily residential land use designation in the general plan by providing opportunities for single-family and two-family homes (duplexes). The maximum density allowable in this district is eighteen dwelling units per acre. Accessory dwelling units and accessory uses are also allowed.

C. R-3 District. The R-3 multifamily residential district is intended to implement the medium-density multifamily residential land use designation in the general plan by providing opportunities for residential development characterized by a mix of housing types, including townhouses, apartments, and condominiums. The maximum density allowable in this district is twenty-four dwelling units per acre. Accessory dwelling units and accessory uses are also allowed.

D. R-4 District. The R-4 high-density multifamily residential district is intended to implement the high-density multifamily residential land use designation in the general plan by providing opportunities in select locations, such as near transit stops or neighborhood retail centers, for residential development characterized by a mix of housing types, including single-family homes, two-family homes, townhouses, apartments, and condominiums. The maximum density allowable in this district is forty-eight dwelling units per acre. Accessory dwelling units and accessory uses are also allowed.

E. RMU District. The RMU residential mixed-use district is intended to implement the residential mixed-use land use designation in the general plan by providing opportunities for mixed-use development that includes residential, office, and retail uses. The maximum floor area ratio (FAR) is 1.5 and the maximum residential density (included within the

overall FAR limits) is fifty units per gross acre. Accessory dwelling units and accessory uses are also allowed.

**Section 3.** Table 17.32-A, Residential Districts: Use Regulations, in Section 17.32.030, Use allowed in Chapter 17.32, Residential Districts, Allowed Uses, and Development Standards, is amended in its entirety to read as follows:

**Table 17.32-A—Residential Districts: Use Regulations**

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
<b>Residential Uses</b>						
Accessory Dwelling Units <sup>1</sup>	R	R	R	R	R	Section <a href="#">17.60.070</a>
Animal Keeping	R	R	R	R	R	Section <a href="#">17.60.010</a>
Assisted Living Facilities	–	–	U	U	U	Section <a href="#">17.60.010</a>
Boarding Houses	–	–	U	U	U	
Community Care Facilities (7+) <sup>2</sup>	U	U	U	U	U	
Day Care, Large Family <sup>3</sup>	R	R	R	R	R	
Day Care, Small Family <sup>4</sup>	R	R	R	R	R	
Dwellings, Multiple-Family <sup>5</sup>	–	–	R	R	R	Section <a href="#">17.58.020</a>
Dwellings, Single-Family Attached <sup>5</sup>	–	R	R	R	R	
Dwellings, Single-Family Detached <sup>5</sup>	R	R	R	–	–	Section <a href="#">17.32.050</a>
Dwellings, Two-Family (Duplexes) <sup>5</sup>	–	R	R	–	–	Section <a href="#">17.32.050</a>
Emergency Shelter	–	–	–	–	R	Section <a href="#">17.60.080</a>
Home Occupations	R	R	R	R	R	Section <a href="#">17.60.030</a>
Live-Work Facility	–	–	–	–	U	Section <a href="#">17.60.040</a>
Mobile Home Parks	–	–	–	–	–	Section <a href="#">17.60.060</a>
Residential Care Facilities (≤6)	R	R	R	R	R	
Single-Room Occupancy	–	–	–	–	R	Section <a href="#">17.60.090</a>
Supportive Housing	R	R	R	R	R	
Transitional Housing	R	R	R	R	R	
<b>Recreation, Resource Preservation, Open Space, Education, and Public Assembly Uses</b>						
Cemeteries	U	U	U	–	–	
Community Facilities	U	U	U	U	U	
Community Gardens	A	A	A	A	A	
Day Care Centers	U	U	U	U	U	

Table 17.32-A—Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Hospitals and Clinics	U	U	U	U	U	
Public Services	U	U	U	U	U	
Recreation, Amusements	–	–	–	–	–	
Recreation, Indoor	–	–	–	–	U	
Recreation, Major Arcades	–	–	–	–	–	
Recreation, Minor Arcades	–	–	–	–	–	
Recreation, Outdoor Passive	–	–	–	–	–	
Recreation, Parks and Playgrounds	U	U	U	U	U	
Religious Institutions	U	U	U	U	U	
Schools, Private	–	–	–	–	–	
Schools, Public	–	–	–	–	–	
<b>Utility, Transportation, Public Facility, and Communication Uses</b>						
Wireless Facilities	–	–	–	–	–	Sections <a href="#">17.62.200</a> and <a href="#">17.62.300</a>
Utilities, Major	–	–	U	U	U	
Utilities, Minor	U	U	U	U	U	
<b>Retail, Service, and Office Uses</b>						
Adult-Oriented Businesses	–	–	–	–	–	Section <a href="#">17.62.010</a>
Alcoholic Beverage Sales	–	–	–	–	U	Section <a href="#">17.62.020</a>
Animal Boarding	–	–	–	–	–	Section <a href="#">17.60.010</a>
Animal Care	–	–	–	–	A	Section <a href="#">17.60.010</a>
Bed and Breakfasts	U	U	R	R	R	
Business and Professional Services	–	–	–	–	R	
Cash for Gold Facilities	–	–	–	–	–	
Cannabis, Commercial Facilities and Activities	–	–	–	–	–	Section <a href="#">17.62.130</a>
Cannabis, Delivery	–	–	–	–	–	Section <a href="#">17.62.130</a>
Cannabis, Limited Personal Cultivation	P	P	P	P	P	Section <a href="#">17.62.130</a>
Cannabis, Outdoor Cultivation	–	–	–	–	–	Section <a href="#">17.62.130</a>
Check Cashing Businesses	–	–	–	–	U	Section <a href="#">17.62.050</a>
Dance and Fitness Studios	–	–	–	–	A	

Table 17.32-A—Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Escort Services	–	–	–	–	–	
Farmers Markets	–	–	–	–	U	
Food and Beverage Sales, Convenience	–	–	–	–	R	
Food and Beverage Sales, General	–	–	–	–	R	
Funeral and Interment Services	–	–	–	–	R	
Health Food Stores	–	–	R	R	R	Section <a href="#">17.62.090</a>
Hotels and Motels	–	–	U	U	U	
Massage Establishments	–	–	–	–	U	Section <a href="#">17.62.120</a>
Medical Cannabis Facility	–	–	–	–	–	Section <a href="#">17.62.130</a>
Mobile Vending <sup>6</sup>	–	–	–	–	U	Section <a href="#">17.62.140</a>
Nurseries	–	–	–	–	R	
Offices	–	–	–	–	R	
Pawn Broker	–	–	–	–	–	
Personal Services	–	–	–	–	R	
Repair Services, General	–	–	–	–	–	
Repair Services, Limited	–	–	–	–	U	
Restaurants, Fast Service	–	–	–	–	U	
Restaurants, General	–	–	–	–	R	
Retail Sales, General	–	–	–	–	R	
Retail Sales, Local	–	–	–	–	R	
Retail Sales, Outdoor	–	–	–	–	U	
Retail Sales, Regional	–	–	–	–	U	
Secondhand Dealers	–	–	–	–	R	Section <a href="#">17.62.170</a>
Smoke Shops	–	–	–	–	U	Section <a href="#">17.62.180</a>
Tattoo Parlors	–	–	–	–	–	Section <a href="#">17.62.190</a>
Wholesaling	–	–	–	–	–	
<b>Automobile and Vehicle Uses</b>						
Automotive, Major Repair	–	–	–	–	–	Section <a href="#">17.62.040</a>
Automotive, Minor Repair	–	–	–	–	U	Section <a href="#">17.62.040</a>

Table 17.32-A—Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	Special Provisions
Automotive, New Car Sales	–	–	–	–	–	
Automotive, Parts Sales	–	–	–	–	U	
Automotive, Gas Stations	–	–	–	–	U	
Automotive, Used Car Sales	–	–	–	–	–	
Automotive, Washing	–	–	–	–	–	
Boat and RV Sales	–	–	–	–	–	
Taxicab Companies	–	–	–	–	–	
Truck Repair and Sales	–	–	–	–	–	
<b>Industrial, Manufacturing, and Processing Uses</b>						
Building Materials Yard	–	–	–	–	–	
Industry, General	–	–	–	–	–	
Industry, Limited	–	–	–	–	–	
Junkyards	–	–	–	–	–	Section <a href="#">17.62.110</a>
Maintenance Yards	–	–	–	–	–	
Recycling Services, Consumer	–	–	–	–	–	
Recycling Services, Donation/Collection Boxes	–	–	–	–	U	Section <a href="#">17.58.030</a>
Recycling Services, General	–	–	–	–	–	
Research and Development	–	–	–	–	–	
Storage, Personal	–	–	–	–	–	
Warehousing and Storage, Enclosed	–	–	–	–	–	
Warehousing and Storage, Outdoors	–	–	–	–	–	

Notes:

1. Permitted in conjunction with existing and proposed single-family and multiple-family dwellings. Junior accessory dwelling units also allowed in existing and proposed single-family dwellings. See Section 17.60.070.
2. Six or fewer persons does not require a use permit and is permitted by right.
3. “Large-family day care” means a home that provides family day care for seven to fourteen children, including children under the age of ten who reside in the home, for periods of less than twenty-four hours per day (Health and Safety Code Section [1596.78](#)).

4. “Small-family day care” means a home that provides family day care for eight or fewer children, including children under the age of ten who reside in the home, for periods of less than twenty-four hours per day (Health and Safety Code Section [1596.78](#)).
5. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.
6. Unless the use is exempt, it requires a special event permit.

**Section 4.** Section 17.32.040(A), including the table under Development Standards in Chapter 17.32, Residential Districts, Development Standards, is amended in its entirety to read as follows:

**Section 17.32.040. Development Standards**

- A. General. Table 17.32-B establishes property development standards for residential districts. Development standards for Accessory Dwelling Units are contained within Section 17.60.070. Standards shown in the table are subject to the rules of measurement set forth in Chapter [17.46](#), Height and Yard Requirements.

**Table 17.32-B—Residential Districts: Development Standards**

Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts) <sup>1</sup>	R-2	R-3	R-4	RMU
<b>Parcel Dimensions<sup>1</sup></b>					
Parcel Area, min					
Interior Parcels	5,000 sf	7,000 sf	10,000 sf	10,000 sf	10,000 sf
Corner Parcels	6,000 sf	7,000 sf	10,000 sf	10,000 sf	10,000 sf
Parcel Frontage, min					
Interior Parcels	50 feet	70 feet	100 feet	100 feet	100 feet
Corner Parcels	60 feet	70 feet	100 feet	100 feet	100 feet
<b>Coverage, Density, and Intensity</b>					
Parcel Coverage, max	45% <sup>2</sup>	50%	70%	75%	75%
Density, max <sup>3</sup>	12 du/ac	18 du/ac	24 du/ac	48 du/ac <sup>12</sup>	50 du/ac <sup>13</sup>
Floor Area Ratio (FAR), max	–	–	–	–	1.5
<b>Setbacks<sup>4</sup></b>					
Front, min	20 feet	20 feet	15 feet <sup>5</sup>	15 feet <sup>5, 7</sup>	0 <sup>5, 6, 7</sup>

Table 17.32-B—Residential Districts: Development Standards

Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts) <sup>1</sup>	R-2	R-3	R-4	RMU
Side, max	10 feet/20% of parcel width for both sides	–	25 feet/20% of parcel width for both sides	25 feet/20% of parcel width for both sides	25 feet/20% of parcel width for both sides
Side, min					
1st Story	4 feet per side	5 feet per side	–	–	0 feet; 10 feet when abutting a conforming residential use
2nd Story	8 feet per side/18 feet total	5 feet per side	–	–	–
1- to 2-Story Building	–	–	5 feet per side	5 feet per side	5 feet per side
3-Story Building	–	–	8 feet per side	8 feet per side	8 feet per side
4+ Story Building	–	–	12 feet per side	12 feet per side	12 feet per side <sup>7</sup>
Single-Row Dwelling Access <sup>8</sup>	–	–	12 feet	12 feet	12 feet
Rear, min	15 feet	15 feet	15 feet	15 feet	0 feet; 10 feet when abutting a conforming residential use
<b>Site Development Measurements</b>					
Height, max					
At Eave	20 feet	20 feet	40 feet <sup>11</sup>	60 feet <sup>9, 11</sup>	60 feet <sup>9, 11</sup>
At Roof Peak	27 feet	27 feet	48 feet <sup>11</sup>	75 feet <sup>9, 11</sup>	50 feet
Stories, max	2	2	6 <sup>11</sup>	6 <sup>11</sup>	3
Building Separation, min	Building Code	Building Code	Building Code	Building Code	Building Code
Width of Driveways and Driveway Cuts at Curb					
Single Driveway	12 feet	n/a	n/a	n/a	10 feet
Double Driveway	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less	22 feet or 40% of the lot frontage, whichever is less
Width of Inner Court Providing Access to Double-	–	–	22 feet	22 feet	22 feet

Table 17.32-B—Residential Districts: Development Standards

Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts) <sup>1</sup>	R-2	R-3	R-4	RMU
Row Dwelling Group					
Required Open Space Per Unit, min	–	350 sf	300 sf	300 sf	150 sf of publicly accessible and 60 sf of privately accessible
<b>Accessory Structures<sup>14</sup></b>					
Height, max	12 feet	12 feet	12 feet	12 feet	12 feet

Notes:

1. Parcels not meeting the minimum parcel area or parcel frontage requirements are subject to the provisions of Section [17.08.050](#), Nonconforming parking.
2. Parcel coverage may be increased to fifty percent if two R-1 lots of five thousand square feet or less are consolidated.
3. Maximum densities shown in this table may be increased pursuant to the state density bonus law for affordable housing and the city’s density bonus ordinance.
4. Additional setbacks may be required for development adjacent to creeks or steep slopes to meet the requirements in Chapter [17.08](#), Nonconformities, and other applicable laws and to ensure safety of development from unstable soils.
5. For residential mixed uses, there is no minimum setback, and maximum setback is twenty feet.
6. Portions of the building facade that exceed twice the height of adjoining buildings shall be set back from the adjoining property line a minimum of ten feet.
7. Twenty-foot setback is required if covered parking is located in the front of the building.
8. Second story not allowed except by use permit.
9. The planning commission shall determine if the placement of side yard windows would jeopardize the privacy of adjacent neighbors. The planning commission may impose greater setbacks or require other design features to protect privacy. The planning commission may also allow a minimum three-foot side yard at the second story if such setback would not jeopardize the privacy of adjacent neighbors. This reduced setback shall apply to one side of the dwelling only.
10. Single-row dwelling groups with side yard access are discouraged and allowed only with a use permit.
11. Within seventy-five feet of an R-1 or R-2 district, the height shall be limited to forty feet eave height, fifty feet roof peak height, and four stories.

- 12. Average assumed general plan build-out: thirty du/ac with a range between twenty-five to sixty du/ac.
- 13. Average assumed general plan build-out: fourteen du/ac in a mixed-use project. Consistent with GP—does not trip CEQA unless cumulative average (over time) exceeds average.
- 14. Development standards for Accessory Dwelling Units are contained within Section 17.60.070.

[Section 17.32.040, Subsections B through I remain unchanged.]

**Section 5.** Table 17.34-A, Commercial and Industrial Districts: Use Regulations, in Section 17.34.030, Uses Allowed, in Chapter 17.34, Commercial and Industrial Districts Residential Districts, Allowed Uses and Development Standards, is amended in its entirety to read as follows:

**Table 17.34-A—Commercial and Industrial Districts: Use Regulations**

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
<b>Residential Uses</b>					
Accessory Dwelling Units	R	R	R	R	Section <a href="#">17.60.070</a>
Assisted Living Facilities	–	U	U	–	
Boarding Houses	–	–	U	–	
Community Care Facilities (7+)	U	U	U	–	
Day Care, Large Family <sup>1</sup>	U	U	R	–	
Day Care, Small Family	–	–	R	–	
Dwellings, Multiple-Family <sup>2</sup>	U	R	R	U	
Dwellings, Single-Family Attached <sup>2</sup>	–	–	R	–	
Dwellings, Single-Family Detached <sup>2</sup>	–	–	R	–	Section <a href="#">17.32.050</a>
Dwellings, Two-Family (Duplexes) <sup>2</sup>	–	–	R	–	Section <a href="#">17.32.050</a>
Emergency Shelter	–	U	–	–	Section <a href="#">17.60.080</a>
Home Occupations	–	–	–	–	Section <a href="#">17.60.030</a>
Incidental/Caretaker Residences	U	U	U	U	
Live-Work Facility	–	–	U	U	Section <a href="#">17.60.040</a>
Mobile Home Parks	–	U	–	U	Section <a href="#">17.60.050</a>
Residential Care Facilities (≤6)	–	–	R	–	
Single-Room Occupancy	–	U	–	–	Section <a href="#">17.60.090</a>
Supportive Housing	–	–	–	–	
Transitional Housing	–	–	–	–	
<b>Recreation, Resource Preservation, Open Space, Education and Public Assembly Uses</b>					
Cemeteries	–	–	–	–	
Community and Religious Assembly	U	U	U	U	

Table 17.34-A—Commercial and Industrial Districts: Use Regulations

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Community Facilities	U	U	U	U	
Community Gardens	A	A	A	–	
Day Care Centers	U	U	U	–	
Hospitals and Clinics	U	U	U	–	
Medical and Dental Offices	R	R	R	A	
Public Services	R	R	R	R	
Recreation, Amusements	U	U	R	U	
Recreation, Indoor	R	R	R	R	
Recreation, Major Arcades	U	U	U	U	Section <a href="#">17.62.030</a>
Recreation, Minor Arcades	R	R	R	R	Section <a href="#">17.62.030</a>
Recreation, Outdoor Passive	R	R	–	R	
Recreation, Parks and Playgrounds	R	R	R	R	
Religious Institutions	U	U	U	U	
Schools, Private	U	U	U	–	
Schools, Public	U	U	U	–	
Schools, Vocational Schools	U	U	U	U	
<b>Utility, Transportation, Public Facility, and Communication Uses</b>					
Wireless Facilities	–	–	–	–	Sections <a href="#">17.62.200</a> and <a href="#">17.62.300</a>
Utilities, Major	U	U	U	U	
Utilities, Minor	A	R	R	R	
<b>Retail, Service, and Office Uses</b>					
Adult-Oriented Businesses	–	U	–	–	Section <a href="#">17.62.010</a>
Alcoholic Beverage Sales	U	U	U	U	Section <a href="#">17.62.020</a>
Animal Boarding	U	R	U	R	Section <a href="#">17.60.010</a>
Animal Care	A	R	A	R	Section <a href="#">17.60.010</a>
Artist Studios	R	R	R	R	
Banks and Financial Institutions, Credit Unions	R	R	R	R	
Bed and Breakfast	–	–	R	–	
Building Materials—Indoor Sales	U	U	–	R	
Business and Professional Services	R	R	R	R	
Cannabis, Commercial Facilities and Activities	–	–	–	–	Section <a href="#">17.62.130</a>
Cannabis, Delivery	–	–	–	–	Section <a href="#">17.62.130</a>

**Table 17.34-A—Commercial and Industrial Districts: Use Regulations**

<b>Land Use/Zoning District</b>	<b>NC</b>	<b>CR</b>	<b>CMU</b>	<b>IMU</b>	<b>Special Provisions</b>
Cannabis, Limited Personal Cultivation	P	P	P	P	Section <a href="#">17.62.130</a>
Cannabis, Outdoor Cultivation	–	–	–	–	Section <a href="#">17.62.130</a>
Farmers Markets	U	A	A	U	
Food and Beverage Sales, Catering Services	A	R	A	A	
Food and Beverage Sales, Convenience <sup>3</sup>	A	R	U	U	
Food and Beverage Sales, General	R	R	R	R	
Funeral and Interment Services	U	–	R	R	
Health and Exercise Clubs	A	R	R	R	
Healthy Food Stores	R	R	R	R	Section <a href="#">17.62.090</a>
Live Entertainment	U	U	U	U	
Lodging, Hotels and Motels	–	R	A	U	
Massage Establishments	U	U	U	–	Section <a href="#">17.62.120</a>
Medical Cannabis Facility	–	–	–	–	Section <a href="#">17.62.130</a>
Mobile Vending <sup>3</sup>	–	–	U	U	Section <a href="#">17.62.140</a>
Nightclubs and Bars	U	U	U	U	
Nurseries	U	R	R	R	
Offices	R	R	R	R	
Pawnshops or Pawnbrokers	U	U	U	U	Section <a href="#">17.62.150</a>
Personal Services	R	R	R	R	
Repair Services, General	–	–	–	R	
Repair Services, Limited	U	R	U	R	
Restaurants, Coffee Shops/Cafes	R	R	R	R	
Restaurants, Fast Service	U	U	U	U	Section <a href="#">17.62.160</a>
Restaurants, Full Service	R	R	R	R	
Restaurants, General	R	R	R	R	
Restaurants, Outdoor Dining	A	A	A	A	
Retail Sales, General	R	R	R	R	
Retail Sales, Local	R	R	R	R	
Retail Sales, Outdoor	U	U	U	R	Chapter <a href="#">17.52</a>
Retail Sales, Regional <sup>4</sup>	–	R	R	R	
Secondhand Dealers	A	A	A	A	Section <a href="#">17.62.170</a>
Smoke Shops	U	U	U	U	Section <a href="#">17.62.180</a>
Specialty Food Retail	R	R	R	R	

Table 17.34-A—Commercial and Industrial Districts: Use Regulations

Land Use/Zoning District	NC	CR	CMU	IMU	Special Provisions
Specialty Goods Retail	R	R	R	R	
Tattoo Parlors	U	U	U	U	Section <a href="#">17.62.190</a>
Wholesaling	–	U	–	R	
<b>Automobile and Vehicle Uses</b>					
Automotive, Major Repair	–	U	–	R	Section <a href="#">17.62.040</a>
Automotive, Minor Repair	U	U	U	R	Section <a href="#">17.62.040</a>
Automotive, New Car Sales	–	R	–	R	
Automotive, Parts Sales	R	R	R	R	Section <a href="#">17.52.040</a> , Outdoor storage
Automotive, Gas Stations	U	R	–	R	
Automotive, Used Car Sales	–	–	–	R	
Automotive, Washing	U	A	–	R	
Boat and RV Sales	U	R	–	R	
Taxicab Companies	–	–	–	U	
Truck Repair and Sales	–	–	–	R	Chapter <a href="#">17.52</a>
<b>Industrial, Manufacturing, and Processing Uses</b>					
Building Materials Yard	–	U	–	R	Chapter <a href="#">17.52</a>
Industry, General	–	–	–	R	
Industry, Limited	–	–	–	R	
Junkyards	–	–	–	–	Section <a href="#">17.62.110</a>
Maintenance Yards	–	–	–	R	Chapter <a href="#">17.52</a>
Recycling Services, Consumer	–	–	–	A	Section <a href="#">17.58.020</a>
Recycling Services, Donation/Collection Boxes	U	U	U	U	Section <a href="#">17.58.030</a>
Recycling Services, General	–	–	–	A	Section <a href="#">17.52.030</a>
Research and Development	–	U	U	R	
Storage, Personal	–	U	–	R	
Warehousing and Storage, Enclosed	–	–	–	R	
Warehousing and Storage, Outdoors	–	–	–	U	Chapter <a href="#">17.52</a>

Notes:

1. A use permit is required if located in other than a single-family dwelling.
2. In all cases, supportive housing and transitional housing are and shall be treated as residential uses, subject only to the permitting requirements that apply to residential uses of the same housing type location in the same zone.

3. Food truck festivals require a temporary use permit.
4. Home improvement centers may be approved under retail sales, regional.

**Section 6.** Table 17.42-A – Development Standards for Residential Accessory Structures in Section 17.42.040, Accessory structure development standards, in Chapter 17.42, Accessory Structures is amended in its entirety to read as follows:

**Table 17.42-A—Development Standards for Residential Accessory Structures**

Minimum Setback Distance (from Property Line) <sup>1</sup>				Minimum Distance between Structures	Maximum Height	Other
Residential Accessory Structure	Front/Street Side	Interior Side	Rear			
Closed-Roof Structure (including but not limited to sheds, pool houses, detached garages, gazebos, etc.)	Same as primary structure	3 feet; increase to 5 feet for high-density residential	3 feet rear; 5 feet alley	6 feet	12 feet (one story) <sup>2</sup>	Located on rear half of lot
Open-Roof Structure	Same as primary structure	3 feet	3 feet	6 feet	12 feet	Located on rear half of lot
Pool/Spa <sup>3,4,5,6</sup>	Same as primary structure	5 feet <sup>3</sup>	5 feet <sup>3</sup>	6 feet	2 feet	Located on rear half of lot
Deck (detached)	No minimum	No minimum	No minimum	No minimum	2 feet	
Carports <sup>7</sup>	Same as primary structure	5 feet	5 feet	6 feet	12 feet	Located on rear half of lot and meets setbacks (See Section <a href="#">17.54.020(E)</a> ).

1. No accessory structure shall be permitted within an established easement unless a waiver is granted from holder of easement, which is recorded as an easement amendment on the properties.
2. Conditional use permit required for height between twelve feet and sixteen feet. Accessory dwelling units shall meet the requirements of Section [17.60.070](#).
3. Single-family residences must comply with the Pool Safety Act (Health and Safety Code Sections [115920](#) through [115929](#)).
4. Setback measured to edge of water.
5. All mechanical equipment must be behind the setback.
6. Noise ordinance applicable to equipment (Chapter [17.50](#)).

7. No temporary carports permitted. See Section [17.54.020](#) for additional carport requirements.
8. Measured at edge of water.

**Section 7.** Section 17.54.020, Residential off-street parking requirements in Chapter 17.54, Parking and Loading is amended in its entirety to read as follows:

**Section 17.54.020 Residential off-street parking requirements**

Residential off-street parking requirements for automobiles and similar vehicles shall be regulated by the type of use associated with the land. The following off-street parking requirements shall apply in all zoning districts:

- A. Caretaker Residence. Two spaces are required for a caretaker residence. The spaces shall be covered.
- B. Day Care, Large Family. Two covered spaces plus one space, covered or uncovered, for each employee are required for a large family day care.
- C. Day Care, Small Family. Two covered spaces plus one space, covered or uncovered, for each employee are required for a small family day care.
- D. Dwellings, Multiple-Family. Two covered spaces are required for each dwelling unit in a multiple-family dwelling. Both spaces shall be garage spaces, or one space may be a garage space and one space a carport space. Spaces for an individual unit may be in tandem, subject to approval of an administrative use permit.
- E. Dwellings, Single-Family. The following provisions apply to attached and detached single-family dwellings:
  1. For single-family dwellings located on a lot with a width of at least fifty feet, two enclosed parking spaces are required. If the spaces are located on the front half of the property they must be enclosed in a garage with doors. If located on the rear half of the property, the spaces may be either in a garage or a carport. In either case, tandem spaces may be permitted subject to administrative review, and only if the driveway area in front of the garage or carport is at least eighteen feet long. Carports are not allowed in the front half of the property.
  2. For single-family dwellings located on a lot with a width of less than fifty feet, two enclosed parking spaces are required. Alternatively, subject to administrative use permit, one space in a garage located in the front half of the lot and one uncovered space in the driveway for tandem parking may be provided if the driveway area is at least eighteen feet long. Carports are not allowed in the front half of the property.
  3. Each driveway shall lead to a covered parking space.

4. Paved or unpaved driveways not leading to a required parking space are prohibited. In no case shall driveways or paved areas exceed fifty percent of the front and side street yards.

5. Only one driveway per parcel shall be allowed, except that a second driveway may be allowed on a corner lot to serve a secondary unit, subject to approval by the zoning administrator.

6. Carports. Only permanent structures are allowed. Carports are allowed on the rear half of lot and must meet setbacks.

F. Dwellings, Two Family (Duplexes). Two spaces per unit are required for two-family dwellings. If the spaces are located in the front half of the property, the required spaces must be garage spaces with garage doors. If located on the rear half of the property, the spaces may be either garage spaces or carport spaces. The parking spaces for each unit may be in tandem, subject to an administrative approval, and provided the driveway area is at least eighteen feet long. Carports are not allowed in the front half of the property.

G. Transitional or Supportive Housing. One-half parking space per unit, or based upon a site-specific parking and neighborhood analysis if less than this ratio is proposed. For supportive housing, no off-street parking is required where located within one-half mile of a public transit stop. Provided parking may be uncovered and shall use the multiple-family site planning criteria for parking lots in Appendix A of this title.

H. Mobile Home Parks. One space is required for each mobile home. The space shall be adjacent to the mobile home.

I. Residential Care Facilities. Two covered spaces plus one space, covered or uncovered, for each employee are required for a residential care facility.

J. Accessory Dwelling Units. Off-street parking requirements for Accessory Dwelling Units are set forth in Section 17.60.070.

**Section 8.** Section 17.60.070, Accessory Dwelling Units, in Chapter 17.60, Special Residential Uses is amended in its entirety with the following text:

**17.60.070 Accessory dwelling units.**

A. Purposes. The purposes of this chapter are to authorize accessory dwelling units and junior accessory dwelling units; to establish a procedure for reviewing and approving their development to ensure and maintain healthy and safe residential living environments; to establish location and development standards for accessory dwelling units; to implement the General Plan; and to comply with Government Code Sections 65852.2 and 65852.22, which require local agencies to consider applications for accessory dwelling unit and junior accessory dwelling unit permits ministerially without discretionary review or a public hearing, as well as any successor statutes on accessory dwelling units or junior accessory dwelling units, subject to the following requirements.

B. Definitions. For purposes of this chapter, the following words and phrases have the following meanings:

1. "Accessory dwelling unit" or "ADU" has the meaning set forth in Government Code Section 65852.2, as it may be amended: an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and (b) a manufactured home, as defined in Section 18007 of the Health and Safety Code. The accessory dwelling unit may be either attached to or located within the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or it may be within an existing or proposed accessory structure that is detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
2. "Attached accessory dwelling unit" means an accessory dwelling unit attached to a primary dwelling unit.
3. "Detached accessory dwelling unit" means an accessory dwelling unit detached from a primary dwelling unit.
4. "Efficiency unit" shall have the same meaning as specified in the International Building Code of the International Code Council, as incorporated by reference in Part 2 of Title 24 of the California Code of Regulations; have occupancy by no more than two persons; have a maximum floor area of 150 square feet; and which may also have partial kitchen or bathroom facilities.
5. "Internal conversion" means the establishment of an accessory dwelling unit or junior accessory dwelling unit within an existing or proposed primary dwelling unit or, in the case of an accessory dwelling unit, within an existing detached accessory building.
6. "Junior accessory dwelling unit" or "JADU" has the meaning set forth in Government Code Section 65852.22, as it may be amended: a unit that is no more than 500 square feet in size and contained entirely within an existing single-family residence and/or attached garage. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. It is required to have a separate entrance from the main entrance to the proposed or existing single-family residence and to include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in related to the size of the unit.
7. "Primary dwelling" means either the single family dwelling unit or the multifamily building on the same lot as one or more ADUs or JADUs, as applicable.

C. Permitting Procedure and Allowances.

Except as otherwise provided in Section 17.60.079(D), an application for a permit to establish an accessory dwelling unit will be approved ministerially without discretionary review or public hearing if the accessory dwelling unit meets: the location requirements specified in Section 17.60.070(E); the development standards specified in Sections 17.60.070(D) and 17.60.070(F); all applicable building standards in Title 15 of the San Pablo Municipal Code that are incorporated into this Section and made applicable by reference; and all applicable sanitary sewer, water, and stormwater requirements.

D. Accessory Dwelling Unit Provisions for Existing or Proposed Development.

An application for a permit to establish any of the following types of accessory dwelling units in a residential or mixed-use zoning district will be approved ministerially without discretionary review or public hearing within 60 days of receipt of a complete application if there is an existing single-family or multifamily dwelling on the lot. Applicable zoning districts are identified in Section 17.60.070(E) below.

1. Single-Family Development:

- a. Up to one Accessory Dwelling Unit and one Junior Accessory Dwelling Unit may be allowed on each lot with an existing or proposed single-family dwelling. This may consist of one internal conversion or attached ADU to an existing or proposed single family dwelling or an existing accessory structure or one new detached ADU; in either case, a JADU is also allowed. A JADU must be contained within or as an addition to the primary residence or attached garage and is not allowed as a new detached accessory building or as a conversion of a detached accessory building.
- b. Internal Conversions of a Primary Residence or Attached Accessory Structure: Up to one ADU and one JADU are permitted within an existing or proposed single family dwelling or an existing attached accessory structure, subject to the following requirements:
  - i. The ADU and the JADU must have separate exterior access from each other and from the existing or proposed single-family dwelling.
  - ii. The existing primary residence or attached accessory structure may be expanded by no more than 150 square feet beyond its physical dimensions at the time of the application to accommodate ingress and egress.
  - iii. A proposed JADU must comply with all of the requirements of Government Code section 65852.22 and may not exceed 500 square feet in area.
  - iv. The side and rear setbacks must be sufficient for fire and safety.
  - v. No replacement of any off-street parking spaces or attached garage spaces removed due to an internal conversion for an ADU or JADU shall be required.
  - vi. A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related a connection fee, unless constructed with a new single-family residence.

- c. Attachments to a Primary Residence or Attached Accessory Structure: Up to one ADU and one JADU are permitted as an attachment to an existing or proposed single family dwelling or an existing attached accessory structure, subject to the following requirements:
  - i. The ADU and the JADU must have separate exterior access from each other and from the existing or proposed single-family dwelling.
  - ii. The attached ADU is permitted to be at least 850 square feet for a studio/one-bedroom or 1,000 square feet for two or more bedrooms, but shall not exceed the smaller of the following:
    - 1. 1,000 square feet for a studio or one-bedroom unit or 1,200 square feet for a unit with more than one bedroom.
    - 2. 50 percent of the existing primary dwelling unit size or 800 square feet, whichever is larger.
  - iii. Attached ADUs may be up to 16 feet in height.
  - iv. A proposed JADU must comply with all of the requirements of Government Code section 65852.22 and may not exceed 500 square feet in area.
  - v. Side and rear setbacks shall be at least four feet. Front yard setbacks shall be as required in the district in which the lot is located.
  - vi. No replacement of any off-street parking spaces or attached garage spaces removed due to creation of an attached ADU or JADU shall be required.
  - vii. A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related a connection fee, unless constructed with a new single-family residence.
  
- d. Internal Conversions of an Existing Detached Accessory Structure: Up to one ADU is permitted within an existing detached accessory structure, subject to the following requirements:
  - i. The ADU must have independent exterior access.
  - ii. The existing detached accessory structure may be expanded by no more than 150 square feet beyond its physical dimensions at the time of the application to accommodate ingress and egress.
  - iii. The side and rear setbacks must be sufficient for fire and safety.
  - iv. No replacement of any off-street parking spaces or garage spaces removed due to an internal conversion of an existing detached accessory structure for an ADU shall be required.
  - v. A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related a connection fee, unless constructed with a new single-family residence
  
- e. Detached ADU Units: Up to one detached, new construction ADU on a lot with a proposed or existing single-family dwelling may be allowed subject to the following requirements. The following limits shall apply:
  - i. The ADU must have independent exterior access.
  - ii. The ADU shall not exceed:

1. 1,000 square feet for a studio or one-bedroom unit; or
  2. 1,200 square feet for a unit with more than one bedroom.
- iii. The ADU shall not exceed 16 feet in height.
  - iv. Side and rear setbacks for shall be at least four feet. Front yard setbacks shall be as required in the district in which the lot is located.
  - v. An ADU that is 800 square feet or smaller and up to 16 feet in height with at least four-foot side and rear yard setbacks shall be permitted, notwithstanding any other development standards.
  - vi. No replacement of any off-street parking spaces or garage spaces removed due to a new detached ADU shall be required.
  - vii. A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related a connection fee, unless constructed with a new single-family residence.
  - viii. Newly constructed detached ADUs for which permit requests are submitted on or after January 1, 2020 require compliance with 2019 Energy Code Photovoltaic (PV) systems requirements (Section 150.1(c)14.
- f. No certificate of occupancy shall be issued for an ADU or JADU prior to issuance of a certificate of occupancy for the primary residence.
  - g. If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, action on the permit application for the ADU or the JADU may be delayed until action on the permit application to create the new single-family dwelling. In this case, the 60-day time period shall be tolled for the period of the delay.

## 2. Multi-Family Development

- a. Internal Conversions: One or more ADUs that are internal conversions within the non-livable space of an existing multiple-family dwelling, including but not limited to storage rooms, boiler rooms, passageways, attics, basement, or garages. Each internal conversion under this subsection must meet all applicable building standards in Title 15 of the San Pablo Municipal Code as well as any applicable sanitary sewer, water, and stormwater requirements. The following limits shall apply:
  - i. Internal ADU conversions within an existing multiple-family dwelling may total at least one conversion but shall not exceed 25% of the number of existing multiple-family units in the primary dwelling.
  - ii. No replacement of any off-street parking spaces removed due to internal conversion ADUs of multi-family dwellings shall be required.
  - iii. No new off-street parking shall be required for new ADUs added as internal conversions of multiple-family dwellings.
- b. Detached Units: One or two detached ADUs on a lot with an existing multi-family dwelling may be allowed if the detached accessory dwelling unit meets all applicable building standards in Title 15 of the San Pablo

Municipal Code and all applicable sanitary sewer, water and stormwater requirements. The following limits shall apply:

- i. The detached ADU shall not exceed 16 feet in height.
  - ii. Side and rear setbacks for new detached ADUs shall be at least four feet. Front yard setbacks shall be as required in the district in which the lot is located.
  - iii. No replacement of any off-street parking spaces or garage spaces removed due to construction of a new detached ADU shall be required.
  - iv. Newly constructed detached ADUs for which permit requests are submitted on or after January 1, 2020 require compliance with 2019 Energy Code Photovoltaic (PV) systems requirements.
- c. The total number of allowed ADUs for existing multi-family developments is three or more, including up to 25% of the number of existing multi-family units as internal conversions plus up to two detached ADUs on each multi-family lot.

E. Location.

1. Up to one Accessory Dwelling Unit (ADU) and one Junior Accessory Dwelling Unit (JADU) that meet the requirements of this Section may be located on any lot in a single-family residential district (R-1, R-2), multifamily residential district (R-3, R-4), residential or commercial mixed-use district (RMU, CMU), or Multifamily Overlay district (MF); or in the Commercial Mixed-Use district of the 23<sup>rd</sup> Street Specific Plan (SP1); or in the Low Density Residential, Medium Density Residential, High Density Residential, Residential Mixed Use, Commercial Mixed Use, Mixed Use Center North, and Mixed Use Center South districts of the San Pablo Avenue Specific Plan (SP2). Where associated with existing single-family or multiple family residential development, ADUs and JADUs may also be located in the NC, CR, and IMU districts.
2. No subdivision rights are authorized that would result in the accessory dwelling unit being located on a separate lot from the primary dwelling.

F. Additional Development Standards.

1. Types of Accessory Dwelling Units. An accessory dwelling unit may be attached to a primary dwelling or detached from a primary dwelling.
  - a. If an accessory dwelling unit is attached to a primary dwelling, the accessory dwelling unit may consist of an internal conversion of an attached garage or other area within the primary dwelling unit and/or an addition to the primary dwelling unit.
  - b. If an accessory dwelling unit is detached from a primary dwelling unit, the accessory dwelling unit may be an internal conversion of a detached garage or other accessory building, or new construction. A detached accessory dwelling unit must be located on the same lot as the primary dwelling.
2. Required Yards

- a. An accessory dwelling unit must comply with all requirements relating to yards (front setbacks, side, and rear) and building height that are generally applicable to residential construction in the zone in which the property is located, except as otherwise provided in this section.
- b. A setback is not required for an accessory dwelling unit that is an internal conversion or that is constructed in the same location and to the same dimensions as an existing building provided that the existing side and rear setbacks are sufficient for fire and safety.
- c. A minimum setback of four (4) feet from the side and rear lot lines is required for an accessory dwelling unit that is not an internal conversion and is not constructed in the same location and to the same dimensions as an existing building.
- d. Notwithstanding the setback requirements set forth in Section 17.60.070(F)(2)(a) and (c) above, a building separation of at least six (6) feet between buildings shall be maintained, as required by the Building Code; provided, however, that this standard shall not prevent the development of an ADU that is 800 feet or less, up to 16 feet in height, with at least four foot side and rear yard setbacks.

### 3. Off-Street Parking

- a. A lot containing an accessory dwelling unit must provide at least one additional off-street parking space to serve the accessory dwelling unit, except as otherwise provided in this subsection as set forth below. The additional space(s) may be provided as tandem parking on a driveway or within a setback area, unless specific findings are made that parking in these locations are not feasible based on specific site or regional topographical or fire and life safety conditions.
- b. Replacement parking spaces are not required if a garage, carport, or covered parking structure that provides off-street parking is demolished or converted in conjunction with the construction of an accessory dwelling unit.
- c. No additional off-street parking is required for an accessory dwelling unit in any of the following instances:
  - i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined by Government Code Section 65852.2.
  - ii. The accessory dwelling unit is located within an architecturally and historically significant historic district.
  - iii. The accessory dwelling unit is an internal conversion.
  - iv. A car share vehicle pick-up location is within one block of the accessory dwelling unit. A “car share vehicle” has the same meaning as in Vehicle Code Section 22507.

4. Living Provisions. An accessory dwelling unit must provide complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A junior accessory dwelling unit may share sanitation facilities with the primary residence.
5. Permanent Foundation. A permanent foundation is required for all accessory dwelling units.
6. Independent Access. An accessory dwelling unit must have independent exterior access separate from that of the primary dwelling unit. The independent exterior access must be located on the building side or building rear; or not visible from the street; or otherwise visually subordinate to the primary dwelling unit.
7. Sewage and Water. Accessory dwelling units shall be connected to sanitary sewer and water lines in accordance with local utility requirements. Verification that the standards have been met is required prior to final inspection. For purposes of providing service for water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

#### G. Building Code Compliance.

Notwithstanding any other provision of this section, Accessory Dwelling Units shall be developed in compliance with Title 15, Buildings and Construction, of the San Pablo Municipal Code. Newly constructed detached ADUs and JADUs for which permit requests are submitted on or after January 1, 2020 require compliance with 2019 Energy Code Photovoltaic (PV) systems requirements.

#### H. Occupancy Limits.

1. No accessory dwelling unit or junior accessory dwelling unit may be rented or offered for rent for a term of less than 30 days.
2. Where a junior accessory dwelling unit is added to a single-family residence, either the junior accessory dwelling unit or the single-family residence shall be owner-occupied, unless the owner is another governmental agency, land trust, or housing organization.

#### I. Deed Restrictions.

Before obtaining a permit authorizing the establishment of an accessory dwelling unit or junior accessory dwelling unit, the applicant shall do the following:

1. Enter into an agreement of restrictions with the City that refers to the deed under which the property was acquired by the applicant and provides the following:
  - a. The accessory dwelling unit or junior accessory dwelling unit shall not be sold separately from the primary dwelling.
  - b. The accessory dwelling unit or junior accessory dwelling unit is restricted to the maximum size allowed under the permit.

- c. Where a junior accessory dwelling unit is added to a single-family residence, either the junior accessory dwelling unit or the single-family residence shall be owner-occupied, unless the owner is another governmental agency, land trust, or housing organization.
      - d. The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the City against the property owner.
2. Record the agreement with the County Recorder.
3. Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows:

“You are purchasing a property with a permit for an (junior) accessory dwelling unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the (junior) accessory dwelling unit separately. The (junior) accessory dwelling unit is restricted to the maximum size allowed under the permit. The (junior) accessory dwelling unit may not be rented or offered for rent for a term of less than 30 days. A copy of the permit is available from the current owner or from the City of San Pablo Community and Economic Development Department.”
4. Notwithstanding Sections 1.1, 2, and 3 above, an accessory dwelling unit may be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:
  - a. The property was built or developed by a qualified nonprofit corporation.
  - b. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Tax Code.
  - c. The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
    - i. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
    - ii. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.
    - iii. A requirement that the qualified buyer occupy the property as the buyer’s principal residence.
    - iv. Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.

- d. A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the County. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the revenue and Taxation Code.
- e. Notwithstanding Section 17.60.070.D above, if requested by a utility providing service to the primary residence, the accessory dwelling unit has a separate water, sewer, or electrical connection to that utility.

J. Nonconforming Structures.

Notwithstanding the provisions of Section 17.08.040, if the existing primary dwelling unit is a legal nonconforming structure, an accessory dwelling unit or junior accessory dwelling unit may be constructed only if the nonconformity of the structure is not expanded and the accessory dwelling unit or junior accessory dwelling unit otherwise meets all current applicable zoning and building standards.

K. Applications.

1. An application for an ADU permit must be submitted to the Zoning Administrator for plan check/zoning clearance before a building permit application is submitted to the city. An application for a JADU unit permit must be submitted in the same manner and form as an application for an ADU permit.
2. An application for an ADU permit must be made in writing and contain the following information. Individual adjustments to this list of requirements may be made by the Zoning Administrator in keeping with the general intent of this Section.
  - a. Name(s) and address(es) of applicant(s) and property owner(s).
  - b. Address and assessor's parcel number for the lot.
  - c. Size, indicating dimensions and square footage of the primary dwelling unit and the proposed accessory dwelling unit.
  - d. A legible scale drawing, showing:
    - i. A north arrow to indicate lot orientation.
    - ii. Lot dimensions and labels for all property lines.
    - iii. Siting and location of the primary dwelling unit and the proposed accessory dwelling unit.
    - iv. Floor plan configuration of the primary dwelling unit and the proposed accessory dwelling unit.
    - v. All other existing improvements, including driveways and parking areas.
    - vi. Exterior design of the primary dwelling unit and the proposed accessory dwelling unit. "Exterior design" includes exterior features, such as entrances, windows, and roof.
  - e. Color photographs of the primary dwelling unit and surrounding properties taken from each of the property lines of the project site.

- f. Location and description of water and sanitary services for both the primary dwelling unit and the proposed accessory dwelling unit.
- g. Property owner's consent to physical inspection of the premises.
- h. A written legal description of the property

**Section 9.** Section 17.68.020, Universal definitions in Chapter 17.68, Universal Terms, is amended in part to read as follows:

**Section 17.68.020 Universal definitions**

...

**Accessory Dwelling Unit.** An attached or detached accessory residential dwelling unit per state law that provides complete independent living facilities for one or more persons and is located on the same a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same lot as the single family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and (b) a manufactured home, as defined in Section 18007 of the Health and Safety Code. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

**Junior Accessory Dwelling Unit.** A junior accessory dwelling unit has the meaning set forth in Government Code Section 65852.22, as it may be amended: a unit that is no more than 500 square feet in size and contained entirely within an existing single-family residence and/or attached garage. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. It is required to have a separate entrance from the main entrance to the proposed or existing single-family residence and to include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in related to the size of the unit.

**Structure, Accessory.** A subordinate building or structure which is incidental and not attached to the main building or use on the same lot. If an accessory structure is attached to the main building or if the roof is a continuation of the main building roof, the accessory structure shall be considered an addition to the main building. Includes, but not limited to, enclosed and unenclosed patios, barns, garages, carports, storage buildings/sheds, gazebos, and decks.

...*[all other definitions remain as written]*

**Section 10.** Section 17.70.010, Residential use classes in Chapter 17.70, Use Classification Descriptions, is amended in part to read as follows:

**Section 17.70.010. Residential use classes.**

...

Q. Dwelling, Accessory. An “accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primate residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multi-family dwelling is or will be situated. An accessory dwelling unit also includes the following: (a) an efficiency unit, as defined in California Health and Safety Code Section [17958.1](#) and (b) a manufactured home, as defined in California Health and Safety Code Section [18007](#). The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

A “junior accessory dwelling unit” has the meaning set forth in Government Code Section 65852.22, as it may be amended: a unit that is no more than 500 square feet in size and contained entirely within an existing single-family residence and/or attached garage. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. It is required to have a separate entrance from the main entrance to the proposed or existing single-family residence and to include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in related to the size of the unit.

... [all other provisions remain as written]

**Section 11.** Single Family Neighborhood Planning in Title 17, Zoning, Appendix A. Residential Design Guidelines, is amended in part to read as follows:

**Appendix A. Residential Design Guidelines**

...

Single Family Neighborhood Planning

**Accessory Dwelling Units.** Accessory Dwelling Units shall follow the standards in Section [17.60.070](#).

... [all other provisions remain as written]

**Section 12. Severability.** If any sections, subsections, sentences, clauses, phrases or portions of this ordinance are for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this ordinance whether or not any one or more sections, subsections, phrases or clauses may be declared invalid or unconstitutional on their face or as applied.

**Section 13. Effective Date.** Publication. This ordinance shall become effective thirty (30) days following its adoption.

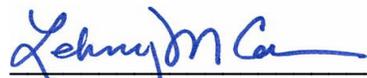
**Section 14. Publication.** The City Clerk’s Office shall publish and post the ordinance in accordance with California Government Code section 36933 to the extent possible given the Federal, State and County Declarations of Emergency due to COVID-19 pandemic, as well as the City Council of the City of San Pablo Resolution 2020-034 adopted on March 16, 2020 proclaiming the existence of a local emergency due to the Novel Coronavirus (COVID-19) pandemic.

\* \* \* \* \*

First read at a regular meeting of the City Council of the City of San Pablo on November 16, 2020, and finally passed and adopted at a regular meeting of said City Council held on December 7, 2020, by the following votes:

AYES:	COUNCILMEMBERS:	Kinney, Pineda, Xavier, Pabon-Alvarado and Cruz
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST: APPROVED:

  
\_\_\_\_\_  
Lehny M. Corbin, Deputy City Clerk

  
\_\_\_\_\_  
Arturo M. Cruz, Mayor