

RESOLUTION PC24-13

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PLAN2406-0002, AMENDMENT TO THE SAN PABLO ZONING CODE CHAPTER 17.60, SPECIAL RESIDENTIAL USES, SECTION 17.60.070, ACCESSORY DWELLING UNITS, REGARDING REGULATIONS FOR ACCESSORY DWELLING UNITS.

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, in a letter dated April 24, 2024, the California Department of Housing and Community Development (HCD) determined that Section 17.60.070 of the San Pablo Municipal Code is not in compliance with the most current state laws pertaining to ADUs and in response the City of San Pablo planning staff agreed to present the suggested revisions for consideration as amendments to the Municipal Code; 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, pursuant to California Public Resources Code Section 21080.17, the proposed ordinance is 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; and,

WHEREAS, a public notice hearing has been published in the West County Times on Saturday, July 13, 2023, in accordance with the requirements of Government Code Section 65091; and

WHEREAS, the Planning Commission conducted a public hearing on July 23, 2024, at which oral and written testimony was taken, in addition to a review of the staff report and attachments.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed Ordinance (Exhibit 1) and recommends approval of

PLAN2406-0002, relating to the amendment of the Municipal Code, to the City Council, based on the following findings:

- A. The Ordinance is consistent with the City of San Pablo General Plan.

The proposed ordinance meets the intent of the following policies:

LU-G-5 Promote a variety of housing types and prices within neighborhoods to serve the economic needs of all segments of the community.

LU-I-16 Support residential infill on vacant lots within existing neighborhoods.

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.

Housing Element Goal H-1: Increase housing supply and facilitate production of at least 800 new homes by 2031.

Program 1-L: Accessory Dwelling Units

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.

- B. The 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 accessory dwelling units in the City of San Pablo, which constitute a diverse and affordable housing option and is of financial benefit to homeowners. By reducing barriers to ADU construction, the City further ensures that a range of safe housing options are available to all residents, building a stronger and healthier community.

- C. Pursuant to Public Resources Code Section 21080.17, the proposed amendments are 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).

D. 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 Saturday, July 13, 2024.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

Adopted this 23rd day of July 2024, by the following vote, to wit:

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

ATTEST:

APPROVED:

Elizabeth H. Tyler, Secretary

Jerome Jackson, Chair

Exhibit 1: Proposed Text Amendment