

# PUBLIC HEARING

## AMENDMENT TO ZONING ORDINANCE

### PLAN2508-0005

CONSIDER AN ORDINANCE 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.

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CITY COUNCIL MEETING

APRIL 6, 2026



# COUNCIL PRIORITY WORKPLAN COMPLIANCE

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- ❖ This amendment to the San Pablo Zoning Code Sections 17.32.030.B, 17.34.030.B, 17.36.030.B, and 17.38.050 would allow for residential development and sensitive uses, to be located in the Air Quality Health Risk Overlay District under certain conditions and restrictions to mitigate any health concerns,
- ❖ This amendment would be consistent with the City Council Priority Workplan Major Policy Area of **Expand Housing Options** and helps to implement Policy 301.1, **promote housing production to meet RHNA requirements**, as adopted on April 7, 2025, by City Council Resolution 2025-044.



# CEQA COMPLIANCE STATEMENT

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- ❖ This 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 ordinance 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 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



# ZONING ORDINANCE AMENDMENT

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## BACKGROUND

1. Air Quality Health Risk Overlay District (Section 17.38.050) adopted on May 4, 2015, by Ordinance 2015-002
2. Purpose was to protect sensitive receptors from toxic air emissions for 500 feet along the I-80 corridor, consistent with Bay Area Air Quality Management District (BAAQMD) guidelines
3. Disallows the following uses: residential development, parks and other open spaces, schools, childcare facilities, senior centers, hospitals and medical facilities. Project level mitigation measures also required.
4. Allowable uses are overly restrictive, and regulations do not reflect existing uses, current BAAQMD policy, or other air quality overlay district examples.

# Citywide Zoning Map 2025

## Zoning Districts

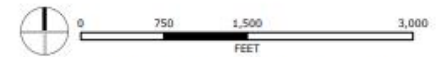
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multifamily Residential District
- R-4 High-Density Multifamily Residential District
- RMU - Residential Mixed-Use District
- MUCW - Mixed Use Center West
- NC - Neighborhood Commercial District
- CR - Regional Commercial District
- CMU - Commercial Mixed-Use District
- EMU - Employment Mixed-Use District
- IMU - Industrial Mixed-Use District
- PD - Planned Development/Infill Opportunity
- I - Institutional District
- OS - Open Space District

## Specific Plans

- SP2 - San Pablo Avenue Specific Plan

## Overlay Districts

- Air Quality Health Risk Overlay Zone
- Hillside Overlay
- Multifamily Overlay
- City Limits
- Major Highway
- Major Roads
- Railroads



SOURCE: City of San Pablo, 2025; Contra Costa County GIS, 2025; Dyett & Bhatia, 2025  
**DYETT & BHATIA**  
 Urban and Regional Planners



# BACKGROUND (CONT.)

- ❖ Work on Overlay Amendment started in 2018 and Planning Commission held a study session on October 23, 2018. Legal advice to delay until CEQA analysis completed.
- ❖ Following adoption of the General Plan Update 2035/EIR Addenda in July of 2025 (by City Council Resolution 2025-097), staff completed the preparation of the proposed amendment
- ❖ Proposed amendment conforms to the updated General Plan as an implementation measure for policies contained in the Housing and Open Space and Conservation Elements.
- ❖ Staff met with representatives from BAAQMD to review the proposed Overlay District amendment language to confirm that the City would be incorporating best practices of the district and other jurisdictions that have similar overlays, including Contra Costa County, and the cities of Oakland, San Francisco, and Los Angeles.



# SUMMARY OF CHANGES

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The proposed amendment includes the following changes:

1. Add the following language to the Exceptions for Use Tables in Sections 17.32.030.B.4, 17.34.030.B.3, 17.36.030.B.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.**

2. Add the following text to describe the location of the Air Quality Health Risk Overlay District (D3):

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



# SUMMARY OF CHANGES (Cont.)

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3. Amend the Purpose of the Air Quality Health Risk Overlay District (D3) in Section 17.38.050.B. to read as follows:

**Purpose. The purpose of the air quality health risk overlay district (D3) is to protect 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.**

4. Add the following Definitions to Section 17.38.050.C.:

**“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).**



# SUMMARY OF CHANGES, Cont.

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## 4. Add the following Definitions to Section 17.38.050.C.(Cont.):

**“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 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**



# SUMMARY OF CHANGES, Cont.

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5. Amend the Standards in Section 17.38.050.D. to read as follows:

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

1. **Sensitive Uses. 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.**



# SUMMARY OF CHANGES, Cont.

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5. Amend the Standards in Section 17.38.050.D. to read as follows (Cont.):

**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.**



# SUMMARY OF CHANGES, Cont.

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6. Add the following Section 17.38.050.E, Special Conditional Use Permit Criteria:

**E. 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).**



# SUMMARY OF CHANGES, Cont.

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6. Add the following Section 17.38.050.E, Special Conditional Use Permit Criteria (Cont.)

**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.**



# GENERAL PLAN CONFORMANCE

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**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 CONFORMANCE

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***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.

The proposed amendment would implement policies and programs of the 2035 General Plan Update and 2023-31 Housing Element by allowing for development within the Air Quality Health Risk Overlay Zone that incorporates site-specific project design improvements to reduce public health risks associated with the Overlay Zone area adjacent to Interstate 80.



# ZONING ORDINANCE COMPLIANCE

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The proposed zoning ordinance amendments are 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 proposed amendment would ensure that any development in the Air Quality Health Risk Overlay Zone is built in an orderly and effective manner that protects the public health, safety, and general welfare of the community, consistent with the purposes of the Zoning Ordinance.



# PUBLIC HEARING NOTICE

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- ❖ Public hearing notice published in the West County Times (West Contra Costa edition of East Bay Times) newspaper on **Tuesday, March 17, 2026**. Notices were also provided to all properties within the overlay district as well as within 300 feet of the boundaries of the district.



# RECOMMENDATION

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- ❖ The San Pablo Planning Commission held a duly noticed public hearing on the proposed amendments at its regular meeting on February 24, 2026, and approved PC25-20, by a vote of 5 ayes and 0 nays, recommending adoption of the proposed Ordinance by the City Council.
- ❖ Review proposed amendment, as set forth in proposed Text Amendment and summarized in the Staff Report
- ❖ Conduct a Public Hearing
- ❖ Introduce the Ordinance 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.



**CITY**of **SAN PABLO**  
*City of New Directions*

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**QUESTIONS?**