

**EXHIBIT A**  
**PROPOSED ZONING ORDINANCE TEXT AMENDMENT**  
**WITH CHANGES INDICATED BY STRIKEOUTS AND UNDERLINES**

## **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.

B. Purpose. The purpose of the air quality health risk overlay district (D3) is to protect residential uses and sensitive receptors from toxic air emissions, fine particulate matter (PM2.5), 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.

C. Definitions. The following definitions apply:

“Enhanced Ventilation” means a ventilation system capable of achieving the protection from particulate matter (PM2.5) 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

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

1. Location. The zone extends five hundred feet from Interstate 80 on both sides of the freeway.
2. Restricted Uses. The following uses shall not be located in the district: residential development, parks and other open spaces, schools, child care facilities, senior centers, hospital, and medical facilities.
3. Mitigation measures. The City will require new development to provide project-level mitigation measures to reduce vulnerability to toxic air

emissions from the freeway.

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.

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).
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.