

## RESOLUTION PC23-08

### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PLAN2305-0006, AMENDMENT TO THE SAN PABLO ZONING CODE CHAPTER 17.54, PARKING AND LOADING, AND SECTION 17.54.020, RESIDENTIAL OFF-STREET PARKING REQUIREMENTS, REGARDING OFF-STREET PARKING REQUIREMENTS FOR SMALL FAMILY AND LARGE FAMILY DAY CARE HOMES.**

**WHEREAS**, on March 1, 1981, the City of San Pablo adopted the San Pablo Municipal Code, containing certain ordinances of a general and permanent nature, including Ordinance No. 762, as compiled, consolidated, revised, codified, and indexed in Titles 1 through 17; and,

**WHEREAS**, on May 18, 2015, the City of San Pablo adopted the City of San Pablo, California Zoning Ordinance as Municipal Code Title 17, incorporating land use changes to the City's General Plan and San Pablo Avenue Specific Plan, both of which were adopted in 2011 by the City Council; and,

**WHEREAS**, on January 1, 2019, Senate Bill 234 became effective, adding Section 1597.41 to Chapter 3.6 of the California Health and Safety Code, governing licensing and regulations for family daycare homes; and,

**WHEREAS**, the proposed amendment to the San Pablo Municipal Code has been initiated by the City to update the Municipal Code following recent amendments to the California Health and Safety Code Section 1597.45; 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 the California Environmental Quality Act, the proposed amendment is not a "project" as defined by CEQA Guidelines section 15378 because it is an administrative action that does not authorize any construction or other action, and even if it is considered a project it is exempt pursuant to Section 15061(b)(3) because it can be seen with certainty that there is no possibility that it will cause a significant effect on the environment; and,

**WHEREAS**, a public notice hearing has been published in the West County Times on Saturday June 17, 2023, in accordance with the requirements of Government Code Section 65091; and

**WHEREAS**, the Planning Commission conducted a public hearing on June 27<sup>th</sup>, 2023, 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 PLAN2305-0006, 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:*

*ED-G-2: Recruit community-serving retail, neighborhood-serving commercial, healthcare, and entertainment businesses and activities that meet the needs of residents.*

*ED-G-4: Attract professionals and skilled workers with local jobs to live in San Pablo.*

*PSCU-I-20: Revise the Zoning Ordinance to facilitate the provision of safe, affordable, conveniently-located, and high quality elder and child-care facilities with flexible hours.*

*HEA-G-5: Create complete neighborhoods with access to a range of day-to-day goods and services within walking distance, including medical facilities, community services, youth programs, and employment opportunities, to increase the sense of social cohesion among residents.*

- 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 adequate childcare services in the City of San Pablo, helping to build healthy neighborhoods and improving the general welfare of the populace while also promoting the growth of small businesses.*

- C. Pursuant to the California Environmental Quality Act, the proposed amendments are not a “project,” and even if they are considered a project, they are exempt.

*The proposed amendment is not a “project” as defined by CEQA Guidelines Section 15378 because it is administrative and does not authorize any*

*construction. Even if the amendment was considered to be a project, it is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that changes to the definitions of "daycare," confirmation that daycare approvals are ministerial in certain circumstances, and removal of certain parking requirements from daycare centers will have a significant effect on the environment. It is further noted that under Section 15274(a), CEQA does not apply to the establishment or operation of a large family day care home, and Section 15274(b) states that the establishment or operation of a small family day care home is a ministerial action that is not subject to CEQA.*

- 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, June 17, 2023.*

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

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Adopted this 27th day of June 2023, by the following vote, to wit:

AYES:	COMMISSIONERS:	Feliciano, Gurdian, Morris, Jackson, Owens
NOES:	COMMISSIONERS:	
ABSENT:	COMMISSIONERS:	
ABSTAIN:	COMMISSIONERS:	

ATTEST:

APPROVED:

/s/ Elizabeth H. Tyler  
Elizabeth H. Tyler, Secretary

/s/ Jon Owens  
Jon Owens, Chairman

Exhibit 1: Proposed Text Amendment

## **EXHIBIT 1: PROPOSED TEXT AMENDMENT**

(shown in ~~strikeout~~ and underline format)

### **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.~~ No additional parking spaces are required for a large family day care beyond the number of spaces required for the principal use dwelling unit, in accordance with this section and with California Health and Safety Code Section 1597.45.

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.~~ No additional parking spaces are required for a small family day care beyond the number of spaces required for the principal use dwelling unit, in accordance with this section and with Californian Health and Safety Code Section 1597.45.

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](#). (Ord. 2020-011 § 7, 2020; Ord. 2020-002 § 19, 2020; Ord. 2017-002 §§ 7, 8, 2017; Ord. 2015-002 § 3 (Exh. 1)(part), 2015)