

## ORDINANCE 2015-002

### ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO REPEALING CITY OF SAN PABLO MUNICIPAL CODE TITLE 17 IN ITS ENTIRETY, REZONING PROPERTIES, AND ADOPTING THE REVISED TITLE 17 ("ZONING ORDINANCE") AND ZONING MAP TO ENSURE CONSISTENCY WITH THE CITY OF SAN PABLO'S GENERAL PLAN 2030

WHEREAS, on April 18, 2011, the City Council of the City of San Pablo ("City") adopted General Plan 2030 ("General Plan") and certified the associated General Plan Environmental Impact Report ("General Plan EIR") and the accompanying Statement of Overriding Considerations; and

WHEREAS, the General Plan establishes the goals, objectives, policies, and actions for development in the City; and

WHEREAS, the General Plan Land Use Diagram included new Land Use designations, and the General Plan and Zoning Consistency Table directed the renaming or conversion of some existing zoning districts as well as the establishment of new zoning districts; and

WHEREAS, existing Title 17 of the San Pablo Municipal Code requires revision to implement certain General Plan policies and be more fully consistent with the General Plan, and to implement other desired changes that came to light during the General Plan planning and implementation process; and

WHEREAS, the City Council appointed a Zoning Ordinance Committee ("ZOC") to examine the existing Title 17, and the ZOC met eight times between June 2012 and June 2013 to identify issues to address in a Zoning Ordinance update; and

WHEREAS the City held multiple public workshops and developed the proposed Zoning Ordinance after extensive input from the community; and

WHEREAS, the City held a public workshop on February 2, 2015 to allow the public to review a draft of the Zoning Ordinance, and held another workshop on February 26, 2015 specifically for owners of property proposed for re-zoning; and

WHEREAS, the proposed Zoning Ordinance is a comprehensive update that includes both text and map amendments to reflect the goals, policies, and implementation measures in the General Plan; and

WHEREAS, the proposed Zoning Ordinance intends to bring Title 17 of the San Pablo Municipal Code into conformance with the General Plan, other locally adopted plans, and relevant state and federal laws; and

WHEREAS, the public comment letters received at Planning Commission have identified Green Building section deletions; Noise Ordinance intent language additions; and additional Multifamily Overlay Zone special studies; and

WHEREAS, an Initial Study and Addendum to the previously certified General Plan 2030 Environmental Impact Report (State Clearinghouse No. 2008082069) have been prepared in accordance with Section 15164 of the California Environmental Quality Act ("CEQA") Guidelines and have been reviewed by the Planning Commission; and

WHEREAS, notice of the March 17, 2015 public hearing was given pursuant to California Government Code Sections 65854, 65090, and 65091.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN PABLO ORDAINS AS FOLLOWS:

Section 1. The City Council makes the following findings:

- 1) The proposed Zoning Ordinance is intended to be consistent with the General Plan and to further the implementation of the goals, objectives, and policies of the General Plan.
- 2) The proposed Zoning Ordinance is intended to bring Title 17 of the San Pablo Municipal Code into conformance with the General Plan, other locally adopted plans, and relevant state and federal laws.
- 3) The Planning Commission and City Council reviewed the Initial Study and Addendum to the certified General Plan 2030 Environmental Impact Report and finds that the conditions requiring preparation of a subsequent EIR pursuant to CEQA Guidelines Section 15162 have not occurred, and additionally that the project is within the scope of the General Plan 2030 Program Environmental Impact Report. The City Council adopts the Initial Study and Addendum to the certified General Plan 2030 Environmental Impact Report.

Section 2. San Pablo Municipal Code Title 17, Zoning Ordinance, is repealed in its entirety.

Section 3. The City Council adopts a new Title 17 of the San Pablo Municipal Code, attached and incorporated herein as Exhibit 1, provided, however, that Green Building Sections 17.32.090 (Residential) and 17.34.120 (Commercial) shall be deleted, and succeeding sections renumbered as necessary. Provided further, that Noise section 17.50.010 Purpose, shall conclude with the following sentences: "Clear noise standards protect the quality of life and insulate residents from excessive noise levels. Excessive noise levels means a noise which affects human activities by its potential to contribute to annoyance in a person of normal sensitivity including any loud, unnecessary or unusual noise which causes discomfort or annoyance to any reasonable person."

Section 4. Staff shall initiate a multifamily special study to identify additional properties to add to the Multifamily Overlay.

Section 5. The City Council adopts the new Zoning Map for the City, attached and incorporated by reference herein as Exhibit 2.

Section 6. The City Council rezones the properties as listed in Exhibit 3, attached and incorporated herein by reference.

Section 7. 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 chapter. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause of this chapter 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 8. This ordinance shall become effective thirty (30) days following its adoption and shall be published once within fifteen (15) days after adoption in the West County Times, a newspaper of general circulation in the City of San Pablo, together with the names of those council members voting for or against; or, in the alternative, a summary prepared by the City Attorney's Office shall be published and a certified copy of the full text of the proposed ordinance or proposed amendment shall be posted in the office of the city clerk at least five days prior to the city council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance, the city clerk shall publish a summary of the ordinance with the names of those city council members voting for and against the ordinance or amendment and the city clerk shall post in the office of the city clerk a certified copy of the full text of the adopted ordinance or amendment along with the names of those city council members voting for and against the ordinance or amendment.

If the city clerk determines that it is not feasible to prepare a fair and adequate summary of the ordinance, a display advertisement of at least one-quarter of a page in a newspaper of general circulation in the city shall be published at least five days prior to the city council meeting at which the ordinance is to be adopted. Within 15 days after adoption of the ordinance or amendment, a display advertisement of at least one-quarter of a page shall be published. The advertisement shall indicate the general nature of, and provide information about, the ordinance, including information sufficient to enable the public to obtain copies of the complete text of the ordinance or amendment, and the names of those city council members voting for and against the ordinance or amendment.

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First read at a regular meeting of the City Council of the City of San Pablo on May 4, 2015, and finally passed and adopted at a regular meeting of said City Council held on May 18, 2015, by the following vote:

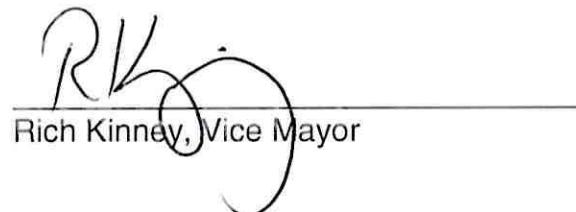
AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:  
ABSTAIN: COUNCILMEMBERS:

Morris, Calloway, Valdez and Kinney  
None  
Chao Rothberg  
None

ATTEST:

  
\_\_\_\_\_  
Ted J. Denney, City Clerk

APPROVED:

  
\_\_\_\_\_  
Rich Kinney, Vice Mayor