

ORDINANCE 2025-###

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN PABLO AMENDING THE SAN PABLO ZONING CODE CHAPTER 17.26, ESTABLISHMENT OF ZONING DISTRICTS; CHAPTER 17.32, RESIDENTIAL DISTRICTS, ALLOWED USES, AND DEVELOPMENT STANDARDS; CHAPTER 17.34, COMMERCIAL AND INDUSTRIAL DISTRICTS, ALLOWED USES, AND DEVELOPMENT STANDARDS; CHAPTER 17.38, OVERLAY AND SPECIAL DISTRICTS; CHAPTER 17.54, PARKING AND LOADING; CHAPTER 17.60, SPECIAL RESIDENTIAL USES; CHAPTER 17.62, SPECIAL NONRESIDENTIAL USES; CHAPTER 17.68, UNIVERSAL TERMS; AND CHAPTER 17.70, USE CLASSIFICATION DESCRIPTIONS, TO IMPLEMENT THIRTEEN PROGRAMS OF THE HOUSING ACTION PLAN OF THE SAN PABLO 2023-31 HOUSING ELEMENT; IMPLEMENT THE LAND USE DESIGNATIONS OF THE GENERAL PLAN UPDATE 2035; AND UPDATE THE ACCESSORY DWELLING UNIT DEED RESTRICTION PROVISIONS

The City Council of the City of San Pablo does ordain as follows:

Section 1. The City Council makes the following findings, pursuant to Section 17.22.040 of the San Pablo Municipal Code:

- A. This ordinance was initiated by the City of San Pablo staff as a means of amending the San Pablo Zoning Ordinance to implement the programs of the Housing Action Plan of the 2023-31 Housing Element, to bring it into consistency with the newly updated San Pablo General Plan 2035, and to bring it into compliance with state Accessory Dwelling Unit (ADU) law, and has been recommended for approval by the Planning Commission of the City of San Pablo following a duly noticed public hearing on October 28th, 2025.
- B. A duly noticed public hearing of the City Council was scheduled on November 17, 2025 to consider this amendment to the Zoning Ordinance of the City of San Pablo codified as Title 17 of the San Pablo Municipal Code.
- C. This Ordinance is consistent with the following City of San Pablo General Plan Policies for Land Use:

LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing and future needs of the City, as well as physical 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-I-3: Ensure that land use development occurs in an orderly fashion and in pace with the expansion of public services and utilities.

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

LU-I-21: Support residential infill on vacant and underused lots within existing neighborhoods.

- D. This Ordinance is consistent with the following City of San Pablo Housing Element 2023-31 goals and policies:

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

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.

Housing Element Goal #2: Take action to address affordability and housing security for all income groups and family types in San Pablo.

Housing Element Goal #3: Equal housing opportunity for all residents of San Pablo, regardless of race, religion, sex, marital status, ancestry, national origin, color, or ability.

Housing Element Policy 3-4: Special Needs Housing. Continue to promote housing developments that meet the needs of senior citizens, disabled, homeless, large families, and female-headed households.

- E. This 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.

- F. This Ordinance implements programs from the Housing Action Plan of the 2023-31 Housing Element, which serve to increase housing production and provide an increased variety of housing types to serve the diverse housing needs of the city. It additionally facilitates updates to the General Plan Land Use element and the Rumrill Corridor Plan, aligning the Zoning Ordinance with these key policy documents and implementing land use changes that are designed to better promote orderly and positive growth and development in San Pablo. It also aligns the Zoning Ordinance with state law surrounding Accessory Dwelling Units (ADUs).

G. The proposed Zoning Ordinance amendments, which would further implement land use changes set forth in the Housing Element and General Plan Update 2035, were previously evaluated in the Addenda prepared and adopted for those planning documents. The Addenda found that there would not be any new or additional significant environmental impacts due to adoption of the Housing Element and the General Plan Update 2035 and the proposed Zoning Ordinance amendments implement those planning documents and are thus within the scope of the impacts evaluated by the 2011 EIR. Further, the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080.085 which states that CEQA does not apply to rezonings that implement the schedule of actions contained in an approved housing element.

Section 2. Chapter 17.26, Chapter 17.32, Chapter 17.34, Chapter 17.38, Chapter 17.54, Chapter 17.60, Chapter 17.62, Chapter 17.68, and Chapter 17.70 of the San Pablo Zoning Code are amended to read as follows, with revised text indicated by means of strike-outs and underlines.

Chapter 17.26 Establishment of Zoning Districts

§ 17.26.010 Purpose.

The purpose of this chapter is to identify classes of uses so that appropriate uses can be accommodated in the various zoning districts.

§ 17.26.020 Applicability.

The zoning districts are applicable in all areas of the city except for specific plan areas.

§ 17.26.030 Establishment of zoning districts.

A.

Base districts. The base zoning district is the primary zoning district that applies to a property. Every parcel throughout the city has a base zoning district that establishes the primary land use type, density, intensity, and site development regulations. The base zoning districts listed in Table 17.26-A—Base Districts are established by this title consistent with the general plan:

General Plan Land Use	Map ID	District Name
Low Density Residential	R-1	Single-Family Residential District
Low Density Residential	R-2	Two-Family Residential District
Medium Density Residential	R-3	Multifamily Residential District
High Density Residential	R-4	High-Density Multifamily Residential District
Residential Mixed-Use	RMU	Residential Mixed-Use District
<u>Planned Development</u>	<u>PD</u>	<u>Planned Development District</u>
Neighborhood Commercial	NC	Neighborhood Commercial District
Regional Commercial	CR	Regional Commercial District

Table 17-26-A—Base Districts

General Plan Land Use	Map ID	District Name
Commercial Mixed-Use	CMU	Commercial Mixed-Use District
<u>Mixed-Use Center West</u>	<u>MUCW</u>	<u>Mixed-Use Center West District</u>
<u>Employment Mixed-Use</u>	<u>EMU</u>	<u>Employment Mixed-Use District</u>
Industrial Mixed-Use	IMU	Industrial Mixed-Use District
Public/Institutional	I	Institutional District
Parks/Recreation	OS	Open Space District

B.

Overlay districts. The overlay zoning districts supplement base zoning districts for one or more of the purposes listed below. The overlay zoning districts listed in Table 17.26-B—Overlay Districts and Specific Plans are established by this title.

1.

To allow more flexibility from the standard provisions of the underlying base zone.

2.

To protect unique site features or implement location-specific regulations.

3.

To recognize and protect existing nonconforming uses.

4.

To specify a particular standard or guideline for an area.

Table 17.26-B—Overlay Districts and Specific Plans

Overlay Districts

D1	Hillside Area Overlay District
D2	Priority Development Area Overlay District
D3	Air Quality Health Risk District
MF	Multifamily Overlay District
CP	Creekside Protection Overlay District

Specific Plans

SP1	23rd Street Specific Plan
SP2	San Pablo Avenue Specific Plan

§ 17.32.030 **Uses allowed.**

A.

Matrix of uses. Table 17.32-A—Residential Districts: Use Regulations contains the use regulations for the residential zoning districts, listed by class of uses as defined in Division VI, Glossary. The allowable uses in Table 17.32-A for each district are established by letter designations as follows:

1.

“R” designates classes of uses permitted by right.

2.

“A” designates classes of uses that require an administrative review pursuant to Section **17.18.020**, Plan check/zoning clearance.

3.

“U” designates classes of uses permitted with a use permit pursuant to Section **17.20.040**, Conditional use permit.

4.

“–” designates classes of uses that are prohibited.

5.

Any class of use not listed in Table 17.32-A is prohibited.

Table 17.32-A—Residential Districts: Use Regulations							
Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	PD	Special Provisions
Residential Uses							
Accessory Dwelling Units ¹	R	R	R	R	R	R	Section <u>17.60.070</u>
Animal Keeping	R	R	R	R	R	R	Section <u>17.60.010</u>
Assisted Living Facilities	–	–	U	U	U	U	Section <u>17.60.010</u>
Boarding Houses	–	–	U	U	U	U	

Table 17.32-A—Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	PD	Special Provisions
Community Care Facilities, <u>Large (7+)</u> ²	<u>UR</u>	<u>UR</u>	<u>UR</u>	<u>UR</u>	<u>UR</u>	<u>UR</u>	
<u>Community Care Facilities, Small</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	
Day Care, Large Family ³	R	R	R	R	R	R	
Day Care, Small Family ⁴	R	R	R	R	R	R	
Dwellings, Multiple-Family ⁵	–	–	R	R	R	R	Section <u>17.58.020</u>
Dwellings, Single-Family Attached ⁵	–	R	R	R	R	–	
Dwellings, Single-Family Detached ⁵	R	R	R	–	–	–	Section <u>17.32.050</u>
Dwellings, Two-Family (Duplexes) ⁵	–	R	R	–	–	–	Section <u>17.32.050</u>
Emergency Shelter	–	–	–	–	R	R	Section <u>17.60.080</u>
<u>Employee Housing, 6 or Fewer</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	–	
<u>Employee Housing, 7+</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>U</u>	<u>=</u>	
Home Occupations	R	R	R	R	R	R	Section <u>17.60.030</u>
Live-Work Facility	–	–	–	–	U	R	Section <u>17.60.040</u>

Table 17.32-A—Residential Districts: Use Regulations

Land Use/Zoning District	R-1	R-2	R-3	R-4	RMU	PD	Special Provisions
<u>Low-Barrier Navigation Centers</u>	=	=	=	=	<u>R</u>	<u>R</u>	<u>Section 17.60.100</u>
Mobile Home Parks	—	—	—	—	—	—	Section <u>17.60.060</u>
Residential Care Facilities (≤6)	R	R	R	R	R	R	
<u>Shopkeeper Housing</u>	=	=	=	=	<u>R</u>	<u>R</u>	
Single-Room Occupancy	—	—	—	—	R	R	Section <u>17.60.090</u>
Supportive Housing	R	R	R	R	R	R	
Transitional Housing	R	R	R	R	R	R	

§ 17.34.030 **Uses allowed.**

Table 17.34-A—Commercial and Industrial Districts: Use Regulations							
Land Use/Zoning District	NC	CR	CMU	IMU	EMU	MUCW	Special Provisions
Residential Uses							
Accessory Dwelling Units	R	R	R	R	R	R	Section <u>17.60.070</u>
Assisted Living Facilities	–	U	U	–	–	U	
Boarding Houses	–	–	U	–	–	U	
Community Care Facilities, <u>Large (7+)</u>	U	U	U	–	R	R	
<u>Community Care Facilities, Small</u>	=	=	<u>R</u>	=	<u>R</u>	<u>R</u>	
Day Care, Large Family ¹	U	U	R	–	–	R	
Day Care, Small Family	–	–	R	–	–	R	
Dwellings, Multiple-Family ²	U	R	R	U	R ⁵	R	
Dwellings, Single-Family Attached ²	–	–	R	–	R ⁵	–	
Dwellings, Single-Family Detached ²	–	–	R	–	–	–	Section <u>17.32.050</u>
Dwellings, Two-Family (Duplexes) ²	–	–	R	–	–	–	Section <u>17.32.050</u>
Emergency Shelter	–	<u>UR</u>	–	–	U	U	Section <u>17.60.080</u>
<u>Employee Housing, 6 or Fewer</u>	=	=	<u>R</u>	=	<u>R</u>	<u>R</u>	

Table 17.34-A—Commercial and Industrial Districts: Use Regulations

Land Use/Zoning District	NC	CR	CMU	IMU	EMU	MUCW	Special Provisions
<u>Employee Housing, 7+</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	<u>U</u>	=	
Home Occupations	–	–	–	–	R	R	Section <u>17.60.030</u>
Incidental/Caretaker Residences	U	U	U	U	U	U	
Live-Work Facility	–	–	U	U	R	R	Section <u>17.60.040</u>
<u>Low-Barrier Navigation Centers</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>Section 17.60.100</u>
Mobile Home Parks	–	U	–	U	–	–	Section <u>17.60.050</u>
Residential Care Facilities (≤6)	–	–	<u>R</u>	–	<u>R</u>	<u>R</u>	
<u>Shopkeeper Housing</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>	
Single-Room Occupancy	–	U	–	–	R	R	Section <u>17.60.090</u>
Supportive Housing	<u>–R</u>	<u>–R</u>	<u>–R</u>	<u>–R</u>	R	R	
Transitional Housing	<u>–R</u>	<u>–R</u>	<u>–R</u>	<u>–R</u>	R	R	

§ 17.32.040 **Development standards.**

A.

General. Table 17.32-B establishes property development standards for residential districts. Development standards for accessory dwelling units are contained within Section **17.60.070**. Standards shown in the table are subject to the rules of measurement set forth in Chapter **17.46**, Height and Yard Requirements.

Table 17.32-B—Residential Districts: Development Standards					
Land Use/Zoning District	R-1 (and Substandard Parcels in R-2, R-3, and R-4 Districts)¹	R-2	R-3	R-4	RMU
Parcel Dimensions¹					
Parcel Area, min					
Interior Parcels	5,000 sf	7,000 <u>4,500</u> sf	10,000 <u>5,000</u> sf	10,000 <u>7,500</u> sf	10,000 <u>7,500</u> sf
Corner Parcels	6,000 sf	76,000 sf	10,000 <u>7,500</u> sf	10,000 <u>7,500</u> sf	10,000 <u>7,500</u> sf
Parcel Frontage, min					
Interior Parcels	50 feet	760 feet	100 <u>75</u> feet	100 <u>75</u> feet	100 <u>75</u> feet
Corner Parcels	60 feet	760 feet	100 <u>75</u> feet	100 <u>75</u> feet	100 <u>75</u> feet

B.

Substandard parcels. Parcels not meeting the minimum parcel area or parcel frontage requirements as shown in Table 17.32-B are subject to the provisions of Section **17.32.050**, R-1 districts and substandard parcels.

§ 17.32.050 **R-1 districts and substandard parcels.**

A.

Applicability. This section shall apply to the R-1 district and to all parcels that do not meet the minimum parcel area or parcel frontage requirements set forth in Table 17.32-B.

B.

R-2 District. For parcels in the R-2 district that do not meet the minimum parcel area or parcel frontage requirements for that district, the parcels shall be subject to the use regulations, development standards, and other provisions applicable to the R-1 district.

C.

~~R-3, and R-4, and RMU~~ Districts. For parcels in the ~~R-3, or R-4, and RMU~~ districts that do not meet the minimum parcel area or parcel frontage requirements for these districts, the following provisions shall apply:

1.

If the parcel meets the area and frontage requirements for the R-2 district, it shall be subject to the use regulations, development standards, and other provisions applicable to the R-2 district.

2.

If the parcel does not meet the area and frontage requirements for the R-2 district, it shall be subject to the use regulations, development standards, and other provisions applicable to the R-1 district.

D.

Side setbacks. The side setbacks for residential uses subject to this section are set forth in Table 17.32-C.

E.

Front yards. Within the R-1 district, a minimum of ninety percent of the front yard not occupied by the pedestrian walkway to the front door, driveway, and allowed intrusions shall be of a permeable surface not suitable for parking. No part of the front yard except the driveway leading to an approved parking space shall be used for parking.

F.

Intrusions into setbacks. For rules on allowable intrusions into setbacks, see Chapter **17.46**, Height and Yard Requirements.

Chapter 17.38 **Overlay and Special Districts**

§ 17.38.010 **Purpose.**

A.

Overlay districts. The overlay districts are created to supplement the development standards of underlying districts to protect unique site features or implement location-specific regulations. The city has five overlay zoning districts as follows:

1.

Hillside area overlay district (D1).

2.

Priority development area (PDA) overlay district (D2).

3.

Air quality health risk overlay district (D3).

4.

Multifamily overlay district (MF).

5.

Creek protection overlay district (CP).

B.

Special districts. The special districts are created to identify adopted area plans, including but not limited to specific plans. The city has adopted ~~two~~one specific plans as follows:

~~1.~~

~~23rd Street Specific Plan (SP1).~~

~~1.2.~~

San Pablo Avenue Specific Plan (SP2).

§ 17.38.040 **Priority development area (PDA) overlay district (D2).**

A.

Purpose and intent. The purpose and intent of the PDA overlay district is to promote and provide for higher density and pedestrian oriented uses as part of, or in proximity to, transit stations in line with Plan Bay Area's Sustainable Community Strategy. These areas are suitable for redevelopment to increase employment and housing at appropriate locations due to planned transit, pedestrian and bicycle design, and parking reduction and management strategies. All components required in regional PDA designations apply.

B.

Applicability. Priority Development Area (PDA) districts have been designated and adopted by city resolutions (2011-131, 2011-132, 2014-133), and are identified as Rumrill Boulevard Road, ~~23rd Street, Specific Plan~~ and the San Pablo Avenue Specific Plan.

1.

Priority Development Area (PDA) designation. The PDA overlay zoning district (D2) shall be applied to properties that are located within one-quarter mile of an existing or planned light rail/streetcar station or bus rapid transit station. In determining the extent of the applicability,

a circle of one-quarter mile in radius shall be drawn from a central point at the designated station location (e.g., station platform).

§ 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.

Community Care Facilities	1 space per 6 beds, plus 1 per employee
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Community Care Facilities, Large. One space per eight beds, plus one space per employee at the highest staffed shift, is required for a large community care facility.

C.

~~Residential care facilities. Two covered spaces plus one space, covered or uncovered, for each employee are required for a residential care facility.~~ Community Care Facilities, Small. One space per employee at the highest staffed shift, covered or uncovered, is required for a small community care facility.

BD.

Day care, large family. 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.

CE.

Day care, small family. 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 California Health and Safety Code Section 1597.45.

DF.

Dwellings, multiple-family. Two parking spaces are required for each unit with two or more bedrooms, and one space per unit is required for each studio or one-bedroom unit. ~~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.~~ A minimum of one space per unit shall be covered. Spaces for an individual unit may be in tandem, subject to approval of an administrative use permit.

EG.

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~~ two parking spaces are required, at least one of which must be covered in a garage or in a carport. If ~~the covered~~ 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 covered~~ spaces may be either in a garage or a carport. In either case, tandem spaces may be permitted ~~subject to administrative approval by the Zoning Administrator, 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.~~2.

Each driveway shall lead to a covered parking space.

43.

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.

54.

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.

65.

Carports. Only permanent structures are allowed. Carports are allowed on the rear half of lot and must meet setbacks.

FH.

Dwellings, two-family (duplexes). Two spaces per unit are required for two-family dwellings, at least one of which must be covered in a garage or in a carport. If ~~the covered~~ spaces are located in the front half of the property, ~~the required spaces they~~ must be garage spaces with garage doors. If located on the rear half of the property, ~~the spaces they~~ may be either garage spaces or carport spaces. The parking spaces for each unit may be in tandem, subject to an administrative approval by the Zoning Administrator, and provided the driveway area is at least eighteen feet long. Carports are not allowed in the front half of the property.

I.

Emergency shelters. One space, covered or uncovered, for each employee at the highest staffed shift, is required for an emergency shelter.

J.

Employee housing. One covered space and one space, covered or uncovered, is required for employee housing for 6 or fewer employees and for employee housing for 7 or more employees.

GK.

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.

HL.

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.~~

JM.

Accessory dwelling units. Off-street parking requirements for accessory dwelling units are set forth in Section **17.60.070**.

§ 17.54.030 Nonresidential off-street parking requirements.

Nonresidential off-street parking requirements for vehicles shall be regulated by the type of use (use class) associated with the land. Table 17.54-A stipulates the number of parking spaces for each nonresidential use, regardless of the zoning district in which the use is located.

Table 17.54-A—Nonresidential Parking Requirements	
Use Class	Required Spaces
Adult Uses	1 space per 200 square feet, plus 1 per employee
Alcoholic Beverage Sales	1 space per 200 square feet, plus 1 per employee; if combined with another use, such as a restaurant, the use requiring the most spaces shall govern

Table 17.54-A—Nonresidential Parking Requirements

Use Class	Required Spaces
Animal Boarding	1 space per 250 square feet, plus 1 per employee
Animal Care	1 space per 500 square feet, plus 1 per employee
Assisted Living Facilities	1 space per 4 rooms
Automotive, General Repair	4 spaces per vehicle work station, plus 1 per employee
Automotive, Limited Repair	4 spaces per vehicle work station, plus 1 per employee
Automotive, New Car Sales	1 space per 500 square feet, plus 1 per employee
Automotive, Parking	1 space per employee, plus spaces provided for public or other uses
Automotive, Parts Sales	1 space per 400 square feet, plus 1 per employee
Automotive, Service Stations	3 spaces, plus 1 per employee
Automotive, Used Car Sales	1 space per 500 square feet, plus 1 per employee
Automotive, Washing	2 spaces per 500 square feet, plus 1 per employee
Bed and Breakfast	2 spaces (covered), plus 1 per guest room
Boarding Houses	2 spaces (covered), plus 1 per guest room
Boat and RV Sales	1 space per 500 square feet, plus 1 per employee
Building Materials	1 space per 500 square feet, plus 1 per employee
Business and Professional Services	1 space per 200 square feet for banks; 1 space per 300 square feet, plus 1 per employee, for other uses
Cemeteries	As specified by use permit
Community and Religious Assembly	As specified by use permit; as a guide, 1 space per 4 seats in the primary assembly area; if fixed seats are not provided, 1 space per 40 square feet (net) of primary assembly area
Community Care Facilities	1 space per 6 beds, plus 1 per employee
Dance and Fitness Studios	1 space per 400 square feet
Escort Services	1 space per 200 square feet
Day Care Facilities	1 space per 15 children, plus 1 per employee
Farmers Markets	As specified by use permit
Food and Beverage Sales, Convenience	1 space per 300 square feet, plus 1 per employee

Table 17.54-A—Nonresidential Parking Requirements

Use Class	Required Spaces
Food and Beverage Sales, General	1 space per 300 square feet, plus 1 per employee
Funeral and Interment Services	As specified by use permit
Hospitals and Clinics	1 space per 4 beds; if the primary use is outpatient care, 1 space per 200 square feet
Hotels and Motels	1 space per guest room, plus 1 per employee
Industry, General	1 space per 600 square feet, except area used exclusively for storage and loading
Industry, Limited	1 space per 600 square feet, except area used exclusively for storage and loading
Junkyards	1 space per 5,000 square feet of lot size, plus 1 per employee
Live-Work Units	2 spaces per unit
Maintenance Yards	2 spaces, plus 1 space per vehicle stored on site
Mobile Vending	1 space for the mobile vending truck
Nurseries	5 spaces, plus 1 space per 1,000 square feet
Offices	1 space per 200 square feet, for less than 2,000 square feet, and for all medical and dental offices 1 space per 250 square feet, for 2,000 to 7,500 square feet 1 space per 300 square feet, for 7,501 to 40,000 square feet 1 space per 350 square feet, for more than 40,000 square feet
Personal Services	1 space per 300 square feet
Public Services	1 space per 400 square feet
Recreation, Amusements	1 space per 200 square feet
Recreation, Indoor	1 space per 3 seats for a theater; 1 space for every 100 square feet for other types of uses
Recreation, Major Arcades	1 space per 3 electronic/mechanical game
Recreation, Minor Arcades	1 space per 3 electronic/mechanical game
Recreation, Outdoor Passive	As specified by use permit
Recreation, Parks and Playgrounds	As specified by use permit

Table 17.54-A—Nonresidential Parking Requirements

Use Class	Required Spaces
Recycling Services, Consumer	1 space per 500 square feet of collection area
Recycling Services, General	2 spaces, plus 1 per employee
Repair Services, General	1 space per 500 square feet
Repair Services, Limited	1 space per 400 square feet
Research and Development	1 space per 400 square feet
Restaurants, Fast Service	1 space per 50 square feet of public area
Restaurants, General	1 space per 50 square feet of public area
Restaurants, Outdoor Dining	1 space per 50 square feet of public area, indoors and outdoors
Retail Sales, General	1 space per 300 square feet, except that stores that sell appliances, furniture, and other merchandise of a similar size require 1 space per 500 square feet
Retail Sales, Local	1 space per 300 square feet
Retail Sales, Outdoor	1 space per 500 square feet of outdoor area, plus number of spaces required for enclosed area
Retail Sales, Regional	1 space per 400 square feet
Schools, Private	<i>Elementary or Junior High:</i> 1 space per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>High:</i> 1 space per staff, plus 1 per 7 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>College, Business, or Trade:</i> 1 space per 200 square feet
Schools, Public	<i>Elementary or Junior High:</i> 1 space per staff, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>High:</i> 1 space per staff, plus 1 per 7 students, plus 1 per 4 fixed seats in auditorium or gymnasium (or 1 per 6 linear feet of bench) <i>College, Business, or Trade:</i> 1 space per 200 square feet
Storage, Personal	1 space per 1,000 square feet, plus 1 per employee
Taxicab Companies	1 space per each employee, plus 1 space for each taxicab
Truck Repair and Sales	1 space per 800 square feet
Utilities, Major	As specified by use permit
Utilities, Minor	1 space per employee

Table 17.54-A—Nonresidential Parking Requirements

Use Class	Required Spaces
Warehousing and Storage, Enclosed	1 space per 1,000 square feet
Warehousing and Storage, Outdoors	1 space per 5,000 square feet of outdoor storage area
Wholesaling	1 space per 800 square feet

§ 17.54.050 Parking waivers and reductions.

The zoning administrator may waive or reduce certain parking requirements as follows:

A.

Parking district waiver. Minimum off-street parking requirements may be waived for properties that have access to public parking facilities. The waiver may be granted by the zoning administrator. See Section **17.18.090**, Minor design review.

B.

On-street parking. On-street parking adjacent to the subject property may be counted toward the parking requirement.

C.

Senior housing. For multiple-family dwellings designed and used for senior housing, the number of parking spaces may be reduced based upon factors such as ongoing bus-resident services, and expectation of resident driving. The project applicant shall submit a report, prepared by a qualified transportation planning or engineering professional, which demonstrates the rationale and includes data that supports the request for reduced on-site parking. Information in this report shall demonstrate how the project sponsor will ensure the reduced parking will be managed for the life of the project. If this information cannot be demonstrated, one-half parking space per unit shall be required. The parking shall be covered in a carport or garage and shall use the multiple-family site planning criteria for parking lots contained in Appendix A of the San Pablo Municipal Code.

D.

Accessory dwelling units. See Section **17.60.070** for parking and other requirements.

E.

Credit for nonexclusive use by general public. Parking lots or garages that are available for nonexclusive public use may be considered for a ten percent reduction in minimum parking requirements.

F.

Proximity to transit. For buildings located within one-quarter mile of a transit stop, the number of parking spaces may be reduced by ten percent.

G.

If a bicycle rack is provided, one parking space may be waived.

H.

Parking in mixed-use projects. In mixed-use projects with residential, office, and/or commercial components, it is assumed that some parking spaces will be shared due to the difference in peak parking demand.

1.

Calculation of the minimum vehicular parking for the portion of the building occupied by the primary use is based on one hundred percent of the floor area.

2.

Calculation of the minimum vehicular parking for the portion of the building occupied by secondary or subsequent uses may be calculated at eighty percent of the floor area.

3.

An additional 10% reduction may be applied if a project proposes a mix of housing and commercial uses.

J.

Faith-based community housing. Housing on properties owned by faith-based institutions that meets the criteria of Government Code Section 65913.16 shall provide off-street parking of up to one space per unit. No off-street parking is required if the site is within a half mile of either a high-quality transit corridor or a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or within one block of a car-share vehicle.

K.

Additional parking reductions. The city may consider additional reductions to parking standards subject to the issuance of a use permit, subject to the inclusion of one or both of the following measures: as follows:

1.

~~The application shall be accompanied by a~~ A parking study and/or Transportation Demand Management (TDM) plan prepared by a qualified parking or transportation expert.

a.

Examples of measures to include in a TDM plan are:

i.

Inclusion of a secure bicycle parking area, such as lockers or a separate room.

ii.

Provision of free or subsidized transit passes for residents or employees.

iii.

Provision of parking cash-outs (payment to employees of a business who commute to work with means other than a private car) or unbundled parking (charging residents for parking separately from their rent payment).

iv.

Additional TDM measures proposed by the applicant may be considered subject to a Conditional Use Permit.

2.

The application can include an An agreement for shared off-site parking.

§ 17.60.020 Density bonus and other incentives

~~A.~~

~~Purpose. This section is intended to provide incentives for the production of child care and housing facilities for very low-, low-, and moderate-income and senior households. In enacting this section, it is the intent of the city of San Pablo to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city's general plan and housing element. This section is enacted under the authority of Government Code Sections 65915 through 65917.~~

~~B.~~

~~Eligibility of density bonus.~~

~~1.~~

~~General. The city of San Pablo shall either grant a density bonus and concessions or incentives as set forth in subsection C of this section, Types of Density Bonus and Other Incentives Allowed.~~

~~2.~~

~~Density bonus— Minimum requirements (target units). The city shall grant a density bonus to an applicant for a residential project who seeks a density bonus and agrees to construct at least one of the following:~~

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~~a.~~

~~Ten percent of the total units as target units affordable to low-income households.~~

~~b.~~

~~Five percent of the total units as target units affordable to very low-income households.~~

~~c.~~

~~A senior citizen housing development.~~

~~d.~~

~~Ten percent of the total units of a newly constructed condominium project or planned development as target units affordable to moderate-income households. (Government Code Section 65915(b).)~~

~~C.~~

~~Types of density bonus and other incentives allowed.~~

~~1.~~

~~Density bonus—Calculation of bonus units. In determining the number of density bonus units to be granted, the maximum residential density for the site shall be multiplied by 0.20, unless a lesser number is selected by the developer. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded to the next larger integer.~~

~~a.~~

~~For each one percent increase above ten percent in the percentage of units affordable to low-income households, the density bonus is increased by one and one-half percent up to a maximum of thirty-five percent.~~

~~b.~~

~~For each one percent increase above five percent in the percentage of units affordable to very low-income households, the density bonus is increased by two and one-half percent up to a maximum of thirty-five percent.~~

~~c.~~

~~For each one percent increase above ten percent of the percentage of units affordable to moderate-income households, the density bonus is increased by one percent up to a maximum of thirty-five percent.~~

~~d.~~

~~The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units,~~

~~any calculations resulting in fractional units shall be rounded to the next larger integer. (Government Code Section 65915(g)(1).)~~

~~2.~~

~~The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units as stated above. Regardless of the number of target units, no residential project is entitled to a density bonus of more than thirty-five percent.~~

~~3.~~

~~Density bonus summary. The following table summarizes the density bonus information:~~

Target Group	Minimum Percent Target Units	Bonus Granted	Additional Bonus for Each 1% Increase in Target Units	% Target Units Required for Maximum 35% Bonus
Very Low Income	5%	20%	2.5%	1%
Low Income	10%	20%	1.5%	20%
Moderate Income (condo or planned development only)	10%	5%	1%	40%
Senior Citizen Housing Development	100%	20%	—	—

~~4.~~

~~Incentives. An incentive may be requested only if an application is also made for a density bonus, except for child care facilities under subsection H of this section, Additional Density Bonus and Incentives or Concessions for Development of Child Care Facilities.~~

~~D.~~

~~Number of other incentives or concessions. In addition to the eligible density bonus percentage described above, an applicant may request the following incentives or concessions in connection with his or her application for a density bonus:~~

~~1.~~

~~One incentive or concession for residential projects that include at least ten percent of the total units for lower income households, at least five percent for very low income households, or at least ten percent for persons or families of moderate income in a condominium or planned development.~~

~~2.~~

~~Two incentives or concessions for residential projects that include at least twenty percent of the total units for lower-income households, at least ten percent for very low-income households, or at least twenty percent for persons or families of moderate income in a condominium or planned development.~~

~~3.~~

~~Three incentives or concessions for residential projects that include at least thirty percent of the total units for lower-income households, at least fifteen percent for very low-income households, or at least thirty percent for persons or families of moderate income in a condominium or planned development.~~

~~4.~~

~~Each residential project is entitled to only one density bonus, which may be selected based on the percentage of either low-income target units, or the project's status as a senior citizen housing development. Density bonuses from more than one category may not be combined.~~

~~5.~~

~~In accordance with state law, neither the granting of a concession or incentive shall be interpreted, in and of itself, to require general plan amendment, zoning change, or other discretionary approval.~~

~~E.~~

~~Incentives Summary. Table 17.60-C summarizes the incentives:~~

Target Group	Target Units		
Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income (Condo or PD only)	10%	20%	30%
Maximum Incentive(s)/Concession(s)	1	2	3

~~Note: A concession or incentive may be requested only if an application is also made for a density bonus, except for child care facilities pursuant to subsection H of this section, Additional Density Bonus and Incentives or Concessions for Development of Child Care Facilities.~~

~~F.~~

~~Available incentives and concessions. The following incentives and concessions are available for compliance with this section.~~

~~1.~~

~~A reduction in the site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Section 18907 of the Health~~

~~and Safety Code, and which result in identifiable, financially sufficient, and actual cost reductions, including but not limited to:~~

~~a.~~

~~A reduction in setback and square footage requirements. (Reduction of two percent is considered one incentive.)~~

~~b.~~

~~Reduced minimum lot setbacks. (Reduction of two feet is considered one incentive.)~~

~~c.~~

~~Ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.~~

~~d.~~

~~Reduced minimum outdoor and/or private outdoor living area. (Reduction of two percent is considered one incentive.)~~

~~e.~~

~~Increased maximum building height and/or stories. (An additional story is considered three incentives.)~~

~~f.~~

~~Reduced minimum building separation.~~

~~g.~~

~~Increased maximum lot coverage. (Increase of two percent is considered one incentive.)~~

~~h.~~

~~Reduced street standards, such as reduced minimum street widths, subject to fire district approval (Government Code Section 65915(l)(1)).~~

~~i.~~

~~Other regulatory incentives or concessions proposed by the developer which result in identifiable, financially sufficient, and actual cost reduction.~~

~~2.~~

~~Approval of mixed-use zoning in conjunction with residential projects if nonresidential land uses will reduce the cost of the residential project and if the city finds that the proposed nonresidential uses are compatible with the residential project and with existing or planned development in the area where the proposed residential project will be located (Government Code Section 65915(l)(2)).~~

~~3.~~

~~Deferred development impact fees (e.g., parkland in-lieu, or traffic impact fees).~~

~~4.~~

~~Priority processing of a residential project that provides income-restricted units.~~

~~G.~~

~~Density bonus for donation of land. An applicant for a tentative subdivision map, parcel map, or other residential project who donates land to the city, in accordance with Government Code Section 65915(h), shall receive a fifteen percent base density bonus plus a one percent supplemental increase over that base for every one percent increase in land donated above the minimum ten percent. The maximum density bonus allowed including supplemental increases is thirty-five percent.~~

~~1.~~

~~An applicant shall only be eligible to receive the density bonus described in this subsection if all the conditions listed in Government Code Section 65915(h)(1) through (6) are met.~~

~~2.~~

~~Nothing in this subsection shall be construed to enlarge or diminish the authority of the city to require a developer to donate land as a condition of development.~~

~~3.~~

~~A residential project shall be eligible for the density bonus described in this section if the city makes all of the following findings:~~

~~a.~~

~~The developer will donate and transfer the land no later than the date of approval of the final subdivision map, parcel map, or development application for the residential project.~~

~~b.~~

~~The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low-income households in an amount not less than ten percent of the number of residential units of the proposed development, or will permit construction of a greater percentage of units if proposed by the developer.~~

~~c.~~

~~The transferred land is at least one acre in size or of sufficient size to permit development of at least forty units, has the appropriate general plan designation, is appropriately zoned for development as very low-income housing, and is now or at the time of construction will be served by adequate public facilities and infrastructure. No later than the date of approval of the final subdivision map, parcel map, or development application for the residential project, the transferred land will have all of the permits and approvals, other than building permits, necessary for the development of the very low-income housing units on the transferred land.~~

~~d.~~

~~The transferred land and the very low-income units constructed on the land will be subject to a deed restriction ensuring continued affordability of the units consistent with this division, which restriction will be recorded on the property at the time of dedication.~~

~~e.~~

~~The land will be transferred to the city-designated housing authority, or to a housing developer approved by the city. The city reserves the right to require the developer to identify a developer of the very low-income units and to require that the land be transferred to that developer.~~

~~f.~~

~~The transferred land is within the boundary of the proposed residential project. The transferred land may be located within one-quarter mile of the boundary of the proposed residential project development if the local agency agrees.~~

~~H.~~

~~Additional density bonus and incentives or concessions for development of child care facilities.~~

~~1.~~

~~Residential projects meeting the requirements of subsection **B** of this section, Eligibility for Density Bonus, and including a child care facility that will be located on the premises of, as part of, or adjacent to, the residential projects shall receive either of the following:~~

~~a.~~

~~An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.~~

~~b.~~

~~An additional incentive or concession that contributes significantly to the economic feasibility of the construction of the child care facility (Government Code Section 65915(i)(1)).~~

~~2.~~

~~Of the children who attend the child care facility, the percentage of children of very low-income households, low-income households, or moderate-income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low-income households, low-income households, or moderate-income households.~~

~~3.~~

~~Notwithstanding any requirement of this subsection, the city is not required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence,~~

~~that the community already has adequate child care facilities (Government Code Section 65915(i)(2)).~~

~~I.~~

~~Additional density bonus and incentives or concessions for condominium conversions.~~

~~1.~~

~~The city shall grant either a density bonus or other incentives of equivalent financial value if the applicant for a conversion of existing rental apartments to condominiums agrees to provide thirty-three percent of the total units of the proposed condominium project as target units affordable to low or moderate income households, or to provide fifteen percent of the total units in the condominium conversion project as target units affordable to low income households. All such target units shall remain affordable for the period specified in subsection (N) of this section, Continued Availability.~~

~~2.~~

~~For purposes of this section, a “density bonus” means an increase in units of twenty-five percent over the number of apartments to be provided within the existing structure or structures proposed for conversion.~~

~~3.~~

~~No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a residential project for which a density bonus or other incentives were previously provided pursuant to this article or the applicable sections of state planning law.~~

~~J.~~

~~General provisions related to density bonuses and incentives or concessions.~~

~~1.~~

~~All density calculations resulting in fractional units shall be rounded up to the next whole number.~~

~~2.~~

~~The density bonus units shall not be included when determining the number of target units required to qualify for a density bonus. When calculating the required number of target units, any calculations resulting in fractional units shall be rounded to the next larger integer. The density bonus shall apply to residential projects of five or more dwelling units.~~

~~3.~~

~~The developer may request a lesser density bonus than the project is entitled to, but no reduction will be permitted in the number of required target units. Regardless of the number of target units, no housing development may be entitled to a density bonus of more than thirty-five percent.~~

~~4.~~

~~The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.~~

~~K.~~

~~Affordability and development standards.~~

~~1.~~

~~Timing of construction. Target units shall be constructed concurrently with nonrestricted units or pursuant to a schedule included in the density bonus housing agreement.~~

~~2.~~

~~Continued affordability—Rent. Target units offered for rent for low-income and very low-income households shall be made available for rent at an affordable rent and shall remain restricted and affordable to the designated income group for a minimum period of thirty years. A longer period of time may be specified if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the housing development.~~

~~3.~~

~~Continued affordability—For sale. Target units offered for sale to very low-, low-, or moderate-income households in condominiums and planned developments shall be sold at an affordable ownership cost. The maximum resale price shall be the lower of: (a) fair market value or (b) the seller's initial purchase price, increased by the lesser of (i) the rate of increase of area median income during the seller's ownership or (ii) the rate at which the consumer price index increased during the seller's ownership. The seller of the unit shall retain the market value at the time of sale of any capital improvements made by the seller, the down payment, and the seller's proportionate share of appreciation. Because this subsection limits the seller's appreciation, the seller's proportionate share of appreciation is one hundred percent (Government Code Section 65915(c)).~~

~~4.~~

~~Initial occupant of moderate-income unit in condominium project or planned unit development. The initial occupant of the moderate-income units that are directly related to the receipt of the density bonus units in a condominium project or a planned unit development must be persons or families of moderate income. (See definitions.) Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture its proportionate share of appreciation, equal to the percentage by which the initial sale price to the moderate-income household was less than the fair market value of the home at the time of sale (Government Code Section 65915(c)(2)).~~

~~L.~~

~~Parking.~~

~~1.~~

~~Upon the request of the applicant, the city may not require a vehicular parking ratio, inclusive of handicapped and guest parking, of a development meeting the criteria of this section that exceeds the following ratios:~~

Bedrooms	Number of Parking Spaces
0—1	1
2—3	2
4 or more	2.5

~~2.~~

~~If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a development may provide “on-site parking” through tandem parking or uncovered parking, but not through on-street parking (Government Code Section 65915(p)).~~

~~3.~~

~~The city shall not apply any development standard that would have the effect of precluding the construction of a residential project meeting the requirements of subsection B of this section, Eligibility of Density Bonus, incentives at the densities or with the incentives permitted by this chapter. An applicant may submit to the city a proposal for the waiver or reduction of development standards. Nothing in this subsection, however, shall be interpreted to require the city to waive or reduce development standards if the waiver or reduction would have a specific adverse effect, as defined in paragraph (2) of subdivision (d) of Government Code Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which the city determines there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Furthermore, the applicant shall be required to prove that the waiver or modification is necessary to make the target units economically feasible.~~

~~M.~~

~~Location of bonus units. The following provisions apply to the location of bonus units:~~

~~1.~~

~~As required by state law (California Government Code Section 65915(j)), the location of density bonus units within the residential project may be at the discretion of the developer. However, the inclusionary units shall be reasonably dispersed throughout the development and shall contain on average the same number of bedrooms as the noninclusionary units in the development, and shall be compatible with the design or use of the remaining units in terms of appearance, materials, and quality finish.~~

~~2.~~

~~Target units shall be built on site, unless off-site construction is approved at the city's discretion, and shall be dispersed within the residential project. The number of bedrooms of the target units shall be equivalent to the bedroom mix of the nontarget units of the housing development, except that the developer may include a higher proportion of target units with more bedrooms. The design and appearance of the target units shall be compatible with the design of the total residential project. Residential projects shall comply with all applicable development standards, except those which may be modified as provided by this chapter.~~

~~3.~~

~~Target units shall be constructed concurrently with nonrestricted units or pursuant to a schedule included in the density bonus housing agreement.~~

~~N.~~

~~Continued availability. The following provisions apply to continued availability of affordable units:~~

~~1.~~

~~If a residential project providing low or very low income target units receives only a density bonus, the target must remain restricted to low or very low income households for a minimum of thirty years from the date of issuance of the certificate of occupancy.~~

~~2.~~

~~If a residential project providing low or very low income target units receives both a density bonus and an additional incentive, the target units must remain restricted to low or very low income households for a minimum of fifty years from the date of issuance of the certificate of occupancy.~~

~~3.~~

~~In the case of a residential project providing moderate-income target units, the initial occupant of the target unit must be a person of a family of moderate income. Upon resale, the seller of the target units shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation, which shall be used within three years for any of the purposes described in subdivision (e) of Section 33334.2 of the California Health and Safety Code that promote homeownership. The city's "proportionate share" shall be equal to the percentage by the initial sale price to the moderate-income household that was less than the fair market value of the home at the time of the initial sale.~~

~~O.~~

~~Application requirements and review. An application for a density bonus, incentive, waiver, modification, or revised parking standard under this section shall be submitted with the first application for approval of a residential project and processed concurrently with all other applications required for the residential project. The application shall be submitted on a form prescribed by the city and shall include at least the following information:~~

~~1.~~

~~Site plan showing total number of units, number and location of target units, and number and location of proposed density bonus units.~~

~~2.~~

~~Level of affordability of target units and proposals for ensuring affordability. (See subsection **K** of this section, Affordability and Development Standards.)~~

~~3.~~

~~Description of any requested incentives, waivers, modifications of development standards, or modified parking standards.~~

~~a.~~

~~For all incentives, the application shall include substantial evidence that the requested incentives result in identifiable, financially sufficient, and actual cost reductions (Government Code Section 65915(l)(3)).~~

~~b.~~

~~For waivers or modifications of development standards, the application shall provide substantial evidence to show that the waiver or modification is necessary to make the housing units economically feasible and that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of subsection **B** of this section, Eligibility of Density Bonus, at the densities or with the incentives permitted by this subsection (Government Code Section 65915(e) and (f)).~~

~~c.~~

~~The applicant shall submit a development pro forma in a form prescribed by the city or the city's economic consultant. The applicant shall pay the cost of peer review of the development pro forma.~~

~~P.~~

~~Approval body. An application for a density bonus, incentive, waiver, modification, or revised parking standard under this section shall be considered by and acted upon by the approval body with authority to approve the residential project. Any decision regarding a density bonus, incentive, waiver, modification, or revised parking standard may be appealed to the city council. Neither the granting of an incentive, waiver, or modification nor the granting of a density bonus shall be interpreted, in and of itself, to require a general plan amendment, zoning change, variance, or other discretionary approval (Government Code Section 65915(g)(1) and (2)).~~

~~Q.~~

~~Findings for approval. Before approving an application for a density bonus, incentive, waiver, or modification, the approval body shall make the following findings:~~

~~1.~~

~~If the density bonus is based all or in part on donation of land, the findings included in subsection **G** of this section, Density Bonus for Donation of Land.~~

~~**2.**~~

~~If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, the findings included in subsection **H** of this section, Additional Density Bonus and Incentives or Concessions for Development of Child Care Facilities.~~

~~**3.**~~

~~If the incentive or concession includes mixed-use development, the finding included in subsection **F** of this section, Available Incentives and Concessions.~~

~~**4.**~~

~~If a waiver or modification is requested, the developer has shown by substantial evidence that the waiver or modification is necessary to make the housing units economically feasible (Government Code Section 65915(f)).~~

~~**R.**~~

~~Findings required for denial of incentive. If a request for an incentive is otherwise consistent with this section, the approval body may deny an incentive if it makes a written finding, based upon substantial evidence, of either of the following:~~

~~**1.**~~

~~The incentive is not required to provide for affordable rents or affordable ownership costs.~~

~~**2.**~~

~~The incentive would have a specific adverse impact upon: (a) public health or safety; (b) the physical environment; or (c) any real property that is listed in the California Register of Historical Resources; and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete (Government Code Sections 65589.5 and 65915(d)(1)).~~

~~**S.**~~

~~Findings required for denial of waiver or modification. If a request for a waiver or modification is otherwise consistent with this section, the approval body may deny the waiver or modification only if it makes a written finding, based upon substantial evidence, of either of the following:~~

~~**1.**~~

~~The waiver or modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.~~

~~2.~~

~~The waiver or modification would have an adverse impact on any real property that is listed in the California Register of Historical Resources.~~

~~T.~~

~~Findings required for denial of bonus or incentive for child care facility. If a density bonus or concession is based on the provision of child care facilities, the approval body may deny the bonus or concession if it finds, based on substantial evidence, that the city already has adequate child care facilities (Government Code Section 65915(i)(3)).~~

~~U.~~

~~Density bonus housing agreement required. An applicant requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The agreement shall be made a condition of each discretionary planning permit for the residential project under this subsection. (Government Code Section 65917.)~~

~~V.~~

~~Recordation. The density bonus housing agreement shall be recorded as a restriction on any parcel on which the target units or density bonus units will be constructed. It shall be recorded before or concurrently with final or parcel map approval, or, where the housing development does not include a map, before issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind all successors in interest.~~

~~W.~~

~~Contents. The density bonus housing agreement shall include but not be limited to the following:~~

~~1.~~

~~The total number of units approved for the housing development, the number, location, and level of affordability of target units, and the number of density bonus units.~~

~~2.~~

~~Standards for determining affordable rent or affordable ownership cost for the target units.~~

~~3.~~

~~The location, unit size in square feet, and number of bedrooms of target units.~~

~~4.~~

~~Provisions to ensure affordability in accordance with subsection K of this section, Affordability and Development Standards, and density bonus incentives.~~

~~5.~~

~~A schedule for completion and occupancy of target units in relation to construction of nonrestricted units.~~

~~6.~~

~~A description of any incentives, waivers, or reductions being provided by the city.~~

~~7.~~

~~A description of remedies for breach of the agreement by either party. The city may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.~~

~~8.~~

~~Procedures for qualifying tenants and prospective purchasers of target units.~~

~~9.~~

~~Other provisions to ensure implementation and compliance with this subsection.~~

~~X.~~

~~For-sale housing provisions. In the case of for-sale residential projects, the density bonus housing agreement shall include the following conditions governing the sale and use of target units during the applicable use restriction period:~~

~~1.~~

~~Target units shall be owner-occupied by eligible very low-, low-, or moderate-income households, or by qualified residents in the case of senior citizen housing developments.~~

~~2.~~

~~The purchaser of each target unit shall execute an instrument approved by the city and to be recorded against the parcel including such provisions as the city may require to ensure continued compliance with this subsection.~~

~~Y.~~

~~Rental housing provisions. In the case of rental residential projects, the density bonus housing agreement shall provide for the following:~~

~~1.~~

~~Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.~~

~~2.~~

~~Provisions requiring verification of household incomes.~~

~~3.~~

~~Provisions requiring maintenance of records to demonstrate compliance with this subsection.~~

~~Z.~~

~~Child care facility or land dedication provisions. A density bonus housing agreement for a child care facility or land dedication shall ensure continued compliance with all conditions included in subsections I and Z of this section.~~

A. Purpose. In accordance with California Government Code Sections 65915, et seq., this Chapter specifies how compliance with State Density Bonus Law will be implemented. Specifically, the purpose of this Chapter is to provide density bonuses, incentives, concessions, and waivers of development standards for the production of housing for very low-, low-, and moderate-income households, senior households, provision of daycare facilities, student housing, and donations of land, and for other housing types as provided by state law. In enacting this Chapter, it is also the intent of the City to implement the goals, objectives, and policies of the San Pablo Housing Element of the General Plan.

B. Definitions. The definitions found in State Density Bonus Law shall apply to the terms contained in this Chapter. "Incentives" include "concessions" as defined in State Density Bonus Law.

C. Application Requirements.

1. An applicant for a "housing development" as defined in State Density Bonus Law shall be eligible for a density bonus and other regulatory benefits that are provided by State Density Bonus Law when the applicant seeks and agrees to provide housing as specified in Government Code Section 65915(b), (c), (f), (g), (h) and (v), or in Government Code Section 65195.5, or successor provisions. The density bonus calculations shall be made in accordance with State Density Bonus Law.

2. The granting of a density bonus, incentive, or concession, pursuant to this section, shall not be interpreted, in and of itself, to require a general plan amendment, development code amendment, zone change, other discretionary approval, or the waiver of a City ordinance or provisions of a City ordinance unrelated to development standards.

3. All requests for density bonuses, incentives, parking reductions, and waivers for a housing development shall be filed with and on a form provided by the Community Development Director, or their designee, concurrently with the filing of the planning application for the first discretionary or ministerial permit required for the housing development, whichever permit is earliest. The applicant shall be informed whether the application is complete consistent with Government Code Section 65943.

4. The application shall include the required fee and the following minimum information:

a. For a requested density bonus.

i. Summary table showing the maximum number of dwelling units permitted by the zoning and general plan excluding any density bonus

- units, proposed affordable units by income level, proposed bonus percentage, number of density bonus units proposed, total number of dwelling units proposed on the site, and resulting density in units per acre.
- ii. Subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and reasonable documentation demonstrating that the housing development is eligible for a bonus under that subparagraph, or as specified here in subsection C.4.b.i-xi.
 - iii. Where the housing development is seeking an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
 - iv. A tentative map or preliminary site plan, drawn to scale, showing the number and location of all proposed units, designating the location of proposed affordable units and density bonus units.
 - v. The zoning and general plan designations and assessor's parcel number(s) of the housing development site.
 - vi. A description of all dwelling units existing on the site in the five-year period preceding the date of submittal of the application and identification of any units rented in the five-year period; subject to any form of rent control through a public entity's valid exercise of its police power; or subject to a recorded covenant ordinance, or law restricting rents to levels affordable to households of lower or very low income.
 - vii. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If any dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
 - viii. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.
 - ix. A marketing plan for the affordable housing units, as well as an explanation of the methods to be used to verify tenant and/or buyer incomes and to maintain affordability of the affordable housing units. For a housing development with 50 dwelling units or more, the density bonus housing plan shall specify a financing mechanism for ongoing administration and monitoring of the affordable housing units.

- x. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and reasonable documentation that each of the requirements included in Government Code Section 65915 (g) can be met.

- b. Requested incentives. Incentives are those defined by State Density Bonus Law. The number of incentives that may be requested shall be based upon the number the applicant is entitled to pursuant to State Density Bonus Law. The following incentives, which may be in addition to those identified in State Density Bonus Law, are available:
 - i. A reduction in setback and square footage requirements.
 - ii. Reduced minimum lot setbacks
 - iii. Ratio of vehicle parking spaces that would otherwise be required and that results in identifiable, financially sufficient, and actual cost reductions.
 - iv. Reduced minimum outdoor and/or private outdoor living area.
 - v. Increased maximum building height and/or stories.
 - vi. Reduced minimum building separation.
 - vii. Increased maximum lot coverage.
 - viii. Reduced Street standards, such as reduced minimum street widths, subject to fire district approval

- c. Additional incentives. Additional incentives, beyond those established in State Density Bonus Law, may be awarded to the following types of projects:
 - i. Projects that consolidate small or substandard adjacent lots as part of the development project.
 - ii. Affordable housing projects which include a substantial portion (e.g., over 25%) of two and three-bedroom units in the overall bedroom mix.

- d. The application shall include the following minimum information for each incentive requested, shown on a site plan (if appropriate):
 - i. The City's usual regulation and the requested regulatory incentive or concession.
 - ii. Except where mixed-use zoning is proposed as a concession or incentive, reasonable documentation to show that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - iii. If approval of mixed-use zoning is proposed, reasonable documentation that nonresidential land uses will reduce the costs of the housing development, that the nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the proposed housing development will be located, and that mixed-use zoning will provide for affordable housing costs and rents.
- e. Requested waivers. For each waiver requested, the applicant shall include, shown on a site plan, and shown for each existing or proposed parcel (if applicable), the City's required development standard and the requested development standard.
- f. Parking reductions. If a housing development is eligible for a density bonus pursuant to State Density Bonus Law, the applicant may request an on-site vehicular parking ratio specified in Government Code Section 65915(p). An applicant may request this parking reduction in addition to the incentives and waivers permitted by paragraphs (2) and (3) of this subsection. The application shall include a table showing parking required by the zoning regulations, parking proposed under State Density Bonus Law, paragraph under Government Code Section 65915(p) (or other statute) under which the project qualifies for the parking reduction, and reasonable documentation that the project is eligible for the requested parking reduction.
- g. Density bonus or incentive for a childcare facility in a housing development. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
- h. Density bonus or incentive for a condominium conversion. The application shall include reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.

D. Application review process.

- 1. All requests under State Density Bonus Law shall be part of the planning application and shall be applied for, reviewed, and acted upon concurrently with

the planning application by the approval body with authority to approve the development, within the timelines prescribed by California Government Code Section 65950 et seq. or other statute. Appeals of the planning application in accordance with the requirements of San Pablo Municipal Code Section 17.16.080, Appeals, shall include all requests under State Density Bonus Law if appeals are authorized for the discretionary or ministerial permit applied for.

2. To ensure that an application for a housing development conforms with the provisions of State Density Bonus Law, the staff report presented to the decision-making body shall state whether the application conforms to the following requirements of State Density Bonus Law, as applicable:
 - a. The housing development provides the housing required by State Density Bonus Law to be eligible for a density bonus and any incentives, parking reduction, or waivers requested, including housing required to replace units rented or formerly rented to very low- and low-income households as required by California Government Code Section 65915(c)(3).
 - b. If applicable, the housing development provides the housing required by State Density Bonus law to be eligible for an additional density bonus under Government Code Section 65915(v)(1).
 - c. If an incentive is requested, reasonable documentation has been presented showing that any requested incentive will result in identifiable and actual cost reductions to provide for affordable housing or costs or rents; except that, if a mixed-use development is requested, the application must instead meet all of the requirements of Government Code Section 65915(k)(2).
 - d. If a waiver is requested, the development standards for which a waiver is requested would have the effect of physically precluding the construction of the housing development at the densities or with the incentives permitted.
 - e. The housing development is eligible for any requested parking reductions under Government Code Section 65915(p) or other statute.
 - f. If the density bonus is based all or in part on donation of land, the requirements of Government Code Section 65915(g) have been met.
 - g. If the density bonus or incentive is based all or in part on the inclusion of a childcare facility or condominium conversion, the requirements included in Government Code Section 65915(h) or 65915.5, as appropriate, have been met.

3. The decision-making body shall grant an incentive requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - a. The proposed incentive does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053; or
 - b. The proposed incentive would be contrary to state or federal law; or
 - c. The proposed incentive would have a specific, adverse impact upon the public health or safety or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
4. The decision-making body shall grant the waiver of development standards requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - a. The proposed waiver would be contrary to state or federal law; or
 - b. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources; or
 - c. The proposed waiver would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households. For the purpose of this subsection, "specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete as defined in Government Code Section 65589.5.
5. If a childcare center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of childcare facilities only if it makes a written finding, based on substantial evidence, that the City already has adequate childcare facilities.

6. A request for minor modification of an approved density bonus housing plan may be granted by the Zoning Administrator, or their designee, if the modification substantially complies with the original density bonus housing plan and conditions of approval. Other modifications to the density bonus housing plan shall be processed in the same manner as the original plan.

E. Density bonus housing agreement.

1. If a density bonus, incentive, parking reduction, or waiver is approved pursuant to this section, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the City, which sets forth the conditions and guidelines to be met in the implementation of State Density Bonus Law and that ensures compliance with all of the provisions of this chapter. The agreement will also establish specific compliance standards and remedies available to the City upon failure by the applicant to comply with State Density Bonus Law, this section, or the affordable housing agreement.
2. For rental projects, the applicant shall enter into an affordable housing agreement with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee. The agreement shall require the continued affordability of all rental units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction for a minimum of fifty-five (55) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program; shall identify the type, size and location of each affordable unit; shall specify the eligible occupants; shall specify phasing of the affordable units in relation to the market-rate units; and shall contain other relevant provisions approved by the City Attorney. Rents for the lower income density bonus units shall be set at an affordable rent as defined in State Density Bonus Law.
3. For for-sale projects, the applicant shall enter into an affordable housing agreement with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee. The affordable housing agreement shall require that the initial purchasers of those for-sale units that qualified the applicant for the receipt of the density bonus, incentive, waiver, or parking reduction are persons and families of lower or moderate income, as applicable, or if any for-sale unit is not purchased by an income-qualified household within one-hundred eighty (180) days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and shall contain other relevant provisions approved by the City Attorney. The City shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it is in conflict with the

requirements of another public funding source or law. The affordable housing agreement shall require the continued affordability of the for-sale units for at least 45 years.

4. Where a density bonus, waiver or parking reduction is provided for a market-rate senior housing development, the applicant shall enter into a restrictive covenant with the City, running with the land, in a form approved by the City Attorney, to be executed by the City Manager, or their designee, to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.
5. The executed affordable housing agreement shall be recorded against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development, whichever is earliest. The affordable housing agreement shall be binding on all future owners and successors in interest.

F. Density bonus calculations.

1. In determining the total number of units to be granted, each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number.
2. When calculating the number of affordable units needed to qualify for a given density bonus, any fractions of affordable dwelling units shall be rounded up to the next whole number.
3. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.
4. In determining the number of affordable units required to qualify a housing development for a density bonus pursuant to State Density Bonus Law, units added by a density bonus are not included in the calculations.
5. The applicant may elect to accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction will be permitted in the percentages of affordable units required by State Density Bonus law. Regardless of the number of affordable units, no housing development shall be entitled to a density bonus greater than what is authorized under State Density Bonus Law.
6. Nothing in this chapter requires the provision of direct financial incentives from the City for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication

requirements. The City, at its sole discretion, may choose to provide such direct financial incentives.

G. Development standards.

1. Building permits and final inspections or certificates of occupancy shall be issued concurrently for the market rate units and for any affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction, so that the affordable units comprise the required percentage of total units; or if the development consists of phased construction, the affordable units shall comprise the required percentage of total units within that phase.
2. Affordable units shall be comparable in exterior appearance and overall quality of construction and in interior finishes and amenities to market rate units in the same housing development, as determined by the City.
3. To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units, and the affordable units shall be located throughout the building and not isolated on one floor or to an area on a specific floor.

H. Density bonus for commercial development.

1. The following definitions shall apply to this Section 17.60.020
 - a. “Commercial development” means a development project for nonresidential and nonindustrial uses.
 - b. “Commercial development bonus” means modification of development standards mutually agreed upon by the City and a commercial developer and provided to a commercial development eligible for such a bonus under subparagraph (3) below. Examples of a commercial development bonus include an increase in floor area ratio, increased building height, or reduced parking.
 - c. “Partnered housing agreement” means an agreement approved by the City between a commercial developer and a housing developer identifying how the commercial development will provide housing available at an affordable ownership cost or affordable rent consistent with subparagraph D.3.a of this section. A partnered housing agreement may consist of the formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial developer and the housing developer are each partners, members, shareholders, or other participants, or a contract between the commercial developer and the housing developer for

the development of both the commercial developer and the housing development.

2. When an applicant proposes to construct a commercial development and has entered into a partnered housing agreement approved by the City, the City shall grant a commercial development bonus mutually agreed upon by the developer and the City. The commercial development bonus shall not include a reduction or waiver in fees imposed on the commercial development to provide for affordable housing.
3. The partnered housing agreement shall include all of the following provisions:
 - a. The housing development shall be located either: (i) on the site of the commercial development; or (ii) on a site within San Pablo that is within one-half mile of a major transit stop, as defined in Public Resources Code Section 21155, and is in close proximity to public amenities, including schools and employment centers.
 - b. At least thirty percent (30%) of the total units in the housing development shall be made available at an affordable ownership cost or affordable rent to low-income households, or at least fifteen percent (15%) of the total units in the housing development shall be made available at an affordable ownership cost or affordable rent to very low-income households.
 - c. The commercial development must agree either to directly build the affordable housing units, donate a site consistent with the requirements of Government Code Section 65915(g) for the development of the affordable housing units, or make a cash payment to the housing developer for the development of the affordable housing units.
4. An approved partnered housing agreement shall be described in the San Pablo Housing Element annual report as required by Government Code Section 65915.7(k).

I. Interpretation.

If any portion of this section conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this section shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this ordinance include successor provisions.

§ 17.60.060 **Mobile home parks.**

No land used as a mobile home park may be enlarged or extended to occupy a greater area than that occupied by such mobile home park at the time of the adoption of the ordinance codified in this title. As an important source of affordable housing, any reduction in or closure of mobile home parks shall comply with the Mobilehome Residency Law (Civil Code, §798 et seq. and Government Code §§65863.7, 65863.8), which sets minimum notice and relocation requirements for residents, and the Subdivision Map Act (Government Code §66410 et seq.), which requires local approval and a Condominium Conversion Ordinance for any conversion of a Mobile Home Park to condominiums. Maintenance of existing mobile homes and mobile home parks is required by the California Department of Housing and Community Development (HCD) Division of Codes and Standards and through regular exterior inspections conducted under the City's Local Enforcement Agency (LEA) agreement with HCD, adopted by the City on June 21, 2004, with Ordinance 2004-010. Relocation assistance to mobile home park rental residents required in the event of code violations shall be provided in accordance with Chapter 8.05, Tenant Relocation Assistance.

§ 17.60.070 **Accessory dwelling units.**

A.

Purposes. The purposes of this section are to authorize accessory dwelling units and junior accessory dwelling units; to establish a procedure for reviewing and approving their development to ensure and maintain healthy and safe residential living environments; to establish location and development standards for accessory dwelling units; to implement the general plan; and to comply with Government Code Sections ~~66314-66332~~~~65852-2~~ and ~~65852.22~~, which require local agencies to consider applications for accessory dwelling unit and junior accessory dwelling unit permits ministerially without discretionary review or a public hearing, as well as any successor statutes on accessory dwelling units or junior accessory dwelling units, subject to the following requirements.

B.

Definitions. For purposes of this section, the following words and phrases have the following meanings:

1.

"Accessory dwelling unit" or "ADU" has the meaning set forth in Government Code Section ~~66313~~~~65852-2~~, as it may be amended: an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also

includes the following: (a) an efficiency unit, as defined in Section 17958.1 of the Health and Safety Code; and (b) a manufactured home, as defined in Section 18007 of the Health and Safety Code. The ADU may be either attached to or located within the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or it may be within an existing or proposed accessory structure that is detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

2.

"Attached accessory dwelling unit" means an ADU attached to a primary dwelling unit.

3.

"Detached accessory dwelling unit" means an ADU detached from a primary dwelling unit.

4.

"Efficiency unit" shall have the same meaning as specified in the International Building Code of the International Code Council, as incorporated by reference in Part 2 of Title 24 of the California Code of Regulations; have occupancy by no more than two persons; have a maximum floor area of one hundred fifty square feet; and which may also have partial kitchen or bathroom facilities.

5.

"Internal conversion" means the establishment of an ADU or junior accessory dwelling unit within an existing or proposed primary dwelling unit or, in the case of an ADU, within an existing detached accessory building.

6.

"Junior accessory dwelling unit" or "JADU" has the meaning set forth in Government Code Section ~~6631365852.22~~ 6631365852.22, as it may be amended: a unit that is no more than five hundred square feet in size and contained entirely within an existing single-family residence. Enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence. A JADU is required to include a separate entrance from the main entrance to the proposed or existing single-family residence. A JADU may include separate sanitation facilities or may share sanitation facilities with the existing structure. In cases where the JADU shares sanitation facilities with the existing structure, the JADU shall include an interior entry to the main living area of the proposed or existing single-family residence. It is required to include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the unit.

7. "Primary dwelling" means either the single-family dwelling unit or the multifamily building on the same lot as one or more ADUs or JADUs, as applicable.

C.

Permitting Procedure and Allowances. Except as otherwise provided in subsection **D** of this section, an application for a permit to establish an ADU will be approved ministerially without discretionary review or public hearing if the ADU meets: the location requirements specified in subsection **E** of this section; the development standards specified in subsections **D** and **F** of this section; all applicable building standards in Title **15** that are incorporated into this section and made applicable by reference; and all applicable sanitary sewer, water, and stormwater requirements.

D.

Accessory Dwelling Unit Provisions for Existing or Proposed Development. An application for a permit to establish any of the following types of ADUs in a residential or mixed-use zoning district will be approved ministerially without discretionary review or public hearing or will be denied with a full set of comments issued with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant within sixty days of receipt of a complete application if there is an existing or proposed single-family or multifamily dwelling on the lot. Applicable zoning districts are identified in subsection **E** of this section.

1.

Single-Family Development.

a.

Up to one attached ADU, one detached ADU, and one JADU may be allowed on each lot with an existing or proposed single-family dwelling. This may consist of one internal conversion or attached ADU to an existing or proposed single-family dwelling or an existing accessory structure or one new detached ADU; in either case, a JADU is also allowed. A JADU must be contained within or as an addition to the primary residence or attached garage and is not allowed as a new detached accessory building or as a conversion of a detached accessory building.

b.

Internal Conversions of a Primary Residence or Attached Accessory Structure. Up to one ADU and one JADU are permitted within an existing or proposed single-family dwelling or an existing attached accessory structure, subject to the following requirements:

i.

The ADU and the JADU must have separate exterior access from each other and from the existing or proposed single-family dwelling.

ii.

When converting an attached accessory structure, the attached accessory structure may be expanded by no more than one hundred fifty square feet beyond its physical dimensions at the time of the application to accommodate ingress and egress.

iii.

A proposed JADU must comply with all of the requirements of Government Code Section ~~6633365852.22~~ 6633365852.22 and may not exceed five hundred square feet in area.

iv.

The side and rear setbacks must be sufficient for fire and safety.

v.

No replacement of any off-street parking spaces or attached garage spaces removed due to an internal conversion for an ADU or JADU shall be required. No new off-street parking spaces will be required for detached units created under this section that meet the requirements of Gov. Code section 66323(a)(4).

vi.

A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee, unless constructed with a new single-family residence.

c.

Attachments to a Primary Residence or Attached Accessory Structure. Up to one ADU is permitted as an attachment to an existing or proposed single-family dwelling or an existing attached accessory structure, subject to the following requirements:

i.

The ADU and the JADU must have separate exterior access from each other and from the existing or proposed single-family dwelling.

ii.

The attached ADU is permitted to be at least eight hundred fifty square feet for a studio/one-bedroom unit or one thousand square feet for two or more bedrooms, but shall not exceed the smaller of the following:

(A)

One thousand square feet for a studio or one-bedroom unit or one thousand two hundred square feet for a unit with more than one bedroom.

(B)

Fifty percent of the existing primary dwelling unit size or eight hundred square feet, whichever is larger.

iii.

Attached ADUs may be up to the maximum allowed height in the zoning district or twenty-five feet, whichever is less.

iv.

A proposed JADU must comply with all of the requirements of Government Code Section 66333 ~~65852.22~~ and may not exceed five hundred square feet in area.

v.

Side and rear setbacks shall be at least four feet. Front yard setbacks shall be as required in the district in which the lot is located, unless the front setback requirement would be prohibitive of an ADU of up to eight hundred square feet with side and rear setbacks of at least four feet and a height not exceeding the limitations set forth in subsection (D)(1)(c)(iii) of this section.

vi.

No replacement of any off-street parking spaces or attached garage spaces removed due to creation of an attached ADU or JADU shall be required.

vii.

A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee, unless constructed with a new single-family residence.

d.

Internal Conversions of an Existing Detached Accessory Structure. Up to one ADU is permitted within an existing detached accessory structure, subject to the following requirements:

i.

The ADU must have independent exterior access.

ii.

The existing detached accessory structure may be expanded by no more than one hundred fifty square feet beyond its physical dimensions at the time of the application to accommodate ingress and egress.

iii.

The side and rear setbacks must be sufficient for fire and safety.

iv.

No replacement of any off-street parking spaces or garage spaces removed due to an internal conversion of an existing detached accessory structure for an ADU shall be required.

v.

A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related a connection fee, unless constructed with a new single-family residence.

e.

Detached ADU Units. Up to one detached new construction ADU on a lot with a proposed or existing single-family dwelling may be allowed subject to the following requirements. The following limits shall apply:

i.

The ADU must have independent exterior access.

ii.

The ADU shall not exceed:

(A)

One thousand square feet for a studio or one-bedroom unit; or

(B)

One thousand two hundred square feet for a unit with more than one bedroom.

iii.

The ADU shall not exceed:

(A)

A height of up to sixteen feet for an ADU on a lot with an existing or proposed single-family dwelling unit.

(B)

A height of up to eighteen feet for an ADU on a lot with an existing or proposed single-family dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public

Resources Code. Up to an additional two feet in height is permitted to accommodate a roof pitch on the ADU to allow for alignment with the roof pitch of the primary dwelling unit.

iv.

Side and rear setbacks shall be at least four feet. Front yard setbacks shall be as required in the district in which the lot is located.

v.

A detached ADU that complies with the following development standards shall be permitted, notwithstanding any other development standards:

(A)

The ADU is eight hundred square feet or smaller.

(B)

The ADU is set back at least four feet from the side and rear of the property.

(C)

The ADU does not exceed the following height limitations:

(1)

A height of up to sixteen feet for a detached ADU on a lot with an existing or proposed single-family dwelling unit.

(2)

A height of up to eighteen feet for a detached ADU on a lot with an existing or proposed single-family dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Up to an additional two feet in height is permitted to accommodate a roof pitch on the ADU to allow for alignment with the roof pitch of the primary dwelling unit.

vi.

No replacement of any off-street parking spaces or garage spaces removed due to a new detached ADU shall be required.

vii.

A local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee, unless constructed with a new single-family residence.

viii.

Newly constructed non-manufactured detached ADUs for which permit requests are submitted on or after January 1, 2020, require compliance with 2019 Energy Code photovoltaic (PV) systems requirements (Section 150.1(c)14).

f.

No certificate of occupancy shall be issued for an ADU or JADU prior to issuance of a certificate of occupancy for the primary residence.

g.

If the permit application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling on the lot, action on the permit application for the ADU or the JADU may be delayed until action on the permit application to create the new single-family dwelling. In this case, the sixty-day time period shall be tolled for the period of the delay.

2.

Multifamily Development.

a.

Internal Conversions. One or more ADUs that are internal conversions within the nonlivable space of an existing multiple-family dwelling, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, are permitted. Each internal conversion under this subsection must meet all applicable building standards in Title 15 as well as any applicable sanitary sewer, water, and stormwater requirements. The following limits shall apply:

i.

Internal ADU conversions within an existing multiple-family dwelling may total at least one conversion but shall not exceed twenty-five percent of the number of existing multiple-family units in the primary dwelling.

ii.

No replacement of any off-street parking spaces removed due to internal conversion ADUs of multifamily dwellings shall be required.

iii.

No new off-street parking shall be required for new ADUs added as internal conversions of multiple-family dwellings.

b.

Detached Units. One or two detached ADUs on a lot with an existing multifamily dwelling are allowed if the detached ADU meets all applicable building standards in Title 15 and all applicable sanitary sewer, water and stormwater requirements. The following limits shall apply:

i.

The following height limitations are applicable:

(A)

A height of up to sixteen feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit.

(B)

A height of up to eighteen feet for a detached ADU on a lot with an existing or proposed multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Up to an additional two feet in height is permitted to accommodate a roof pitch on the ADU to allow for alignment with the roof pitch of the primary multifamily dwelling unit.

(C)

A height of up to eighteen feet for a detached ADU on a lot with an existing or proposed multifamily, multistory dwelling. Up to an additional two feet in height is permitted to accommodate a roof pitch on the ADU to allow for alignment with the roof pitch of the primary multifamily dwelling unit.

ii.

Side and rear setbacks for new detached ADUs shall be at least four feet. Front yard setbacks shall be as required in the district in which the lot is located unless (1) the front setback requirement would be prohibitive of an ADU of up to eight hundred square feet with side and rear setbacks of at least four feet and a height that does not exceed the limitations set forth in subsection (D)(2)(b)(i) of this section, and (2) detached ADUs constructed pursuant to Gov. Code section 66323(a)(4) shall not be subject to front setback requirements.

iii.

No replacement of any off-street parking spaces or garage spaces removed due to construction of a new detached ADU shall be required.

iv.

Newly constructed detached ADUs for which permit requests are submitted on or after January 1, 2020, require compliance with 2019 Energy Code photovoltaic (PV) systems requirements.

E.

Location.

1.

Subject to the requirements of this section, ADUs may be located on any lot in a single-family residential district (R-1, R-2), multifamily residential district (R-3, R-4), residential or commercial mixed-use district (RMU, CMU, PD, MUCW, EMU), or multifamily overlay district (MF); ~~or in the commercial mixed-use district of the 23rd Street Specific Plan (SP1);~~ or in the low density residential, medium density residential, high density residential, residential mixed-use, commercial mixed-use, mixed-use center north, and mixed-use center south districts of the San Pablo Avenue Specific Plan (SP2). Where associated with existing single-family or multiple-family residential development, ADUs and JADUs may also be located in the NC, CR, and IMU districts.

2.

No subdivision rights are authorized that would result in the accessory dwelling unit being located on a separate lot from the primary dwelling.

I. Deed Restrictions for JADUs. Prior to issuance of a Certificate of Occupancy for ~~an ADU~~ or a JADU, the applicant shall do the following:

1. Enter into an agreement of restrictions with the city that refers to the deed under which the property was acquired by the applicant and provides the following:
 - a. The ~~ADU~~ or JADU shall not be sold separately from the primary dwelling.
 - b. The ~~ADU~~ or JADU is restricted to the maximum size allowed under the permit.
 - c. Where a JADU is added to a single-family residence, either the JADU or the single-family residence shall be owner-occupied, unless the owner is another governmental agency, land trust, or housing organization.
 - d. The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the city against the property owner.
2. Record the agreement with the county recorder.
3. Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows:

You are purchasing a property with a permit for ~~an~~ (a junior) accessory dwelling unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the {junior}

accessory dwelling unit separately. The {junior} accessory dwelling unit is restricted to the maximum size allowed under the permit. The {junior} accessory dwelling unit may not be rented or offered for rent for a term of less than thirty days. A copy of the permit is available from the current owner or from the city of San Pablo Community Department.

4.

Notwithstanding subsections (l)(1) through (3) of this section, an ADU may be sold or conveyed separately from the primary residence to a qualified buyer if all of the following apply:

a.

The property was built or developed by a qualified nonprofit corporation.

b.

There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation that satisfies all of the requirements specified in Section 402.1(a)(10) of the Revenue and Tax Code.

c.

The property is held pursuant to a recorded tenancy in common agreement that includes all of the following:

i.

The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.

ii.

A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the property if the buyer desires to sell or convey the property.

iii.

A requirement that the qualified buyer occupy the property as the buyer's principal residence.

iv.

Affordability restrictions on the sale and conveyance of the property that ensure the property will be preserved for low-income housing for forty-five years for owner-occupied housing units and will be sold or resold to a qualified buyer.

d.

A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded in the county. A preliminary change of ownership report

shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

e.

Notwithstanding subsection (l)(4)(d) of this section, if requested by a utility providing service to the primary residence, the ADU has a separate water, sewer, or electrical connection to that utility.

F.

Additional Development Standards.

1.

Types of Accessory Dwelling Units. An ADU may be attached to a primary dwelling or detached from a primary dwelling.

a.

If an ADU is attached to a primary dwelling, the ADU may consist of an internal conversion of an attached garage or other area within the primary dwelling unit and/or an addition to the primary dwelling unit.

b.

If an ADU is detached from a primary dwelling unit, the ADU may be an internal conversion of a detached garage or other accessory building, or new construction. A detached ADU must be located on the same lot as the primary dwelling.

2.

Required Yards.

a.

An ADU must comply with all requirements relating to yards (front setbacks, side, and rear) and building height that are generally applicable to residential construction in the zone in which the property is located, except as otherwise provided in this section.

b.

A setback is not required for an ADU that is an internal conversion or that is constructed in the same location and to the same dimensions as an existing building; provided, that the existing side and rear setbacks are sufficient for fire and safety.

c.

A minimum setback of four feet from the side and rear lot lines is required for an ADU that is not an internal conversion and is not constructed in the same location and to the same dimensions as an existing building.

d.

Notwithstanding the setback requirements set forth in subsections (F)(2)(a) and (c) of this section, a building separation of at least six feet between buildings shall be maintained, as required by the building code; provided, however, that this standard shall not prevent the development of any ADU developed pursuant to Gov. Code section 66323(a) ~~that is eight hundred feet or less in area, complies with the applicable height requirements set forth in this section, and has at least four-foot side and rear yard setbacks.~~

3.

Off-Street Parking.

a.

A lot containing an ADU must provide at least one additional off-street parking space to serve the ADU, except as otherwise provided in this subsection as set forth below. The additional space(s) may be provided as tandem parking on a driveway or within a setback area, unless specific findings are made that parking in these locations is not feasible based on specific site or regional topographical or fire and life safety conditions.

b.

Replacement parking spaces are not required if a garage, carport, or covered parking structure that provides off-street parking is demolished or converted in conjunction with the construction of an ADU.

c.

No additional off-street parking is required for an ADU in any of the following instances:

i.

The ADU is located within one-half mile walking distance of public transit, as defined by Government Code Section 66313~~665852.2~~.

ii.

The ADU is located within an architecturally and historically significant historic district.

iii.

The ADU is an internal conversion.

iv.

A car share vehicle pickup location is within one block of the ADU. A "car share vehicle" has the same meaning as in Vehicle Code Section 22507.1.

v.

When on-street parking permits are required but not offered to the occupant of the ADU.

vi.

When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in subsection (F)(3)(c) of this section.

§ 17.60.080 Emergency shelters.

A.

Purpose. The purpose of this section is to facilitate and encourage the provision of emergency shelter for homeless persons and households by allowing permanent year-round emergency shelters without a conditional use permit or other discretionary action in the residential mixed-use (RMU) and regional commercial (CR) districts, subject only to the same development standards that apply to the other permitted uses in these zones, except for the requirements below unique to emergency shelters, as authorized by Government Code Section 65583(a)(4).

B.

Additional requirements for emergency shelters. In addition to the standards for the underlying zoning districts, the following requirements apply to emergency shelters:

1.

The maximum number of beds or persons to be served nightly by an emergency shelter shall be thirty-five.

2.

Off-street parking shall be based upon demonstrated need; provided, that parking for an emergency shelter shall not be more than that required for other residential or commercial uses permitted in the residential mixed-use (RMU) or regional commercial (CR) district as applicable.

3.

Appropriately sized and located exterior and interior on-site waiting and intake areas shall be provided.

4.

Appropriate exterior lighting shall be provided.

5.

On-site management shall be provided.

6.

Security shall be provided during the hours that the emergency shelter is in operation.

7.

The maximum length of stay by a homeless person in an emergency shelter shall be six months.

~~8.~~

~~An emergency shelter shall not be located within five hundred feet of another emergency shelter.~~

9.8.

No individual or household shall be denied emergency shelter because of an inability to pay.

§ 17.60.090 **Single-room occupancy (SRO).**

A.

Purpose. The purpose of this section is to facilitate and encourage the provision of affordable shelter for low-income persons with special housing needs by allowing SRO housing without a conditional use permit or other discretionary action in the residential mixed-use (RMU) and regional commercial (CR) districts, subject only to the same development standards that apply to the other permitted uses in these zones, except with additional requirements listed below.

B.

Additional requirements for SROs. In addition to the standards for the underlying zoning districts, the following requirements apply to SROs:

1.

Occupancy. An SRO unit shall be occupied by no more than two persons. ~~a single person.~~ Occupancy of SRO units may be restricted to seniors or be available to persons of all ages.

2.

Special development. Units in an SRO housing development shall consist of a single room and may have a private or shared bathroom. A shared common kitchen and activity area may also be provided.

3.

Management standard. On-site management shall be provided.

§ 17.60.100 Low-Barrier Navigation Centers.

A.

Purpose. The purpose of this section is to facilitate and encourage the provision of accessible temporary shelter with access to services by allowing low-barrier navigation centers without a conditional use permit or other discretionary action in all mixed-use and commercial zoning districts, subject only to the same development standards that apply to the other permitted uses in these zones, except with additional requirements listed below.

B.

Definition. A Low-Barrier Navigation Center is defined as a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. “Low barrier” means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners, if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

C.

Additional requirements for Low-Barrier Navigation Centers. In addition to the standards for the underlying zoning districts, the following requirements apply to low-barrier navigation centers:

1. Connected services. A low-barrier navigation center shall offer services to connect people to permanent housing through a services plan that identifies services staffing.
2. Coordinated entry system. A low-barrier navigation center should be linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements, designed to coordinate program participant intake, assessment, and referrals.
3. Code compliant. A low-barrier navigation center should comply with Chapter 6.5

(commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

- 4.** Homeless Management Information System. A low-barrier navigation center should have a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System, as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

Chapter 17.62 **Special Nonresidential Uses**

§ 17.62.130 **Regulation of cannabis activity.**

F.

Commercial cannabis activity. Except as expressly permitted in this section, all commercial cannabis activity is prohibited. A maximum of three cannabis retail businesses that are conditionally permitted and licensed pursuant to this section and state law are permitted to operate in the city in accordance with the following requirements:

1.

Cannabis retail businesses permitted pursuant to this section shall only be located in the following zoning districts:

a.

The NC neighborhood commercial district.

b.

The CR regional commercial district.

c.

The CMU commercial mixed-use district.

d.

The IMU industrial mixed-use district.

e.

The EMU employment mixed-use district.

f.

The MUCW mixed-use center west district.

~~e.~~

~~The 23rd Street Specific Plan commercial mixed-use district.~~

f.-g.

The following districts of the San Pablo Avenue Specific Plan:

i.

Neighborhood Commercial.

ii.

Regional Commercial.

iii.

Commercial Mixed Use.

iv.

Mixed Use Center North.

v.

Mixed Use Center South.

vi.

Entertainment Overlay.

§ 17.68.020 **Universal definitions.**

"Family."

One or more individuals, related or unrelated, occupying a dwelling unit and living as a single household unit.

"Single household unit."

~~The functional equivalent of a traditional family, One or more individuals whose members are an interactive group of persons jointly occupying a single dwelling unit, in a living arrangement that may include shared facilities, resources, and living expenses, such as rent or mortgage payments, food costs, and utilities. including the joint use of and responsibility for common areas, and sharing household activities and responsibilities such as meals, chores, household maintenance, and expenses, and where, if the unit is rented, all adult residents are parties to one written lease or rental agreement with joint responsibility for payment of rent.~~

§ 17.70.010 Residential use classes.

A.

Animal keeping. The animal keeping use class consists of providing care or accommodation of dogs, cats, four ducks, six rabbits, and other small animals or poultry (excluding roosters). Beekeeping is allowed in the R-1 zone, but the keeping of wasps, hornets, Africanized bees (*Apis mellifera scutellata*), and other noxious insects is prohibited.

B.

Assisted living. This use class consists of facilities that provide twenty-four-hour, mostly nonmedical care in a residential setting for seven or more people in need of personal services, supervision, or assistance in sustaining the activities of daily living.

C.

Boarding houses. The boarding house use class consists of establishments providing six or fewer guest rooms on a commercial basis for stays of more than seven consecutive nights, with no cooking facilities in the guest rooms. A boarding house may provide up to three meals per day per resident guest.

D.

Community care facilities, large. The community care facilities use class consists of providing twenty-four-hour nonmedical care in a residential setting for more than six persons in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. See also "community care facilities, small residential care facilities" for six or fewer.

E.

Community care facilities, small. The small community care facilities use class consists of facilities providing twenty-four-hour nonmedical care in a residential setting for six or fewer people in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. See also "community care facilities, large" for seven or more.

EF.

Day care—Small family. The day care—small family use class consists of a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for eight or fewer children less than eighteen years of age for periods of less than twenty-four hours per day. Children less than ten years of age who reside in the home count as children served by the facility.

FG.

Day care—Large family. The day care—large family use class consists of a day care facility located in a single-family residence where an occupant of the residence provides care and supervision for more than eight children less than eighteen years of age for periods of less than twenty-four hours per day. Children less than ten years of age who reside in the home count as children served by the facility.

GH.

Dwellings, multiple-family. The dwellings, multiple-family use class consists of three or more dwelling units within the same structure, each with its own kitchen and bathroom facilities.

HI.

Dwellings, single-family attached. The dwellings, single-family attached use class consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, constructed with a common wall with a single-family unit located on another parcel.

IJ.

Dwellings, single-family detached. The dwellings, single-family detached use class consists of one dwelling unit, exclusive of a secondary unit, on a single parcel, which is separated from any other dwelling unit. Manufactured and mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974, which are installed on a permanent foundation approved by the city, are included.

JK.

Dwellings—Two-family (duplexes). The dwellings—two-family (duplexes) use class consists of two dwelling units on a single parcel within the same structure, each with its own kitchen and bathroom facilities.

KL.

Emergency shelter. The emergency shelter use class consists of housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person.

M.

Employee housing, 6 or fewer. A dwelling unit or collection of dwelling units owned or operated by an employer, and maintained by such employer in compliance with the provisions of State Housing Law, wherein each dwelling unit is inhabited by a family that includes at least one permanent year-round employee of the employer who owns or operates the dwelling. This use class applies to housing for no more than 6 employees and their families.

N.

Employee housing, 7+. Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

LO.

Home occupations. The home occupations use class consists of the conduct of a business within a dwelling unit or residential site, employing occupants of the dwelling, with the business activity being subordinate to the residential use of the property. Examples include but are not limited to accountants, financial advisors, architects, artists, attorneys, notaries, offices for construction businesses (without equipment or material storage), gardening service, web-based online businesses, and real estate sales. Cottage food operators are permitted in accordance with state law.

MP.

Incidental or caretaker residence. The incidental residence use class consists of one dwelling unit per parcel, used for the sole purpose of providing security, maintenance, or similar services for an allowable nonresidential use located on the same parcel.

NQ.

Live-work facility. The live-work facility use class consists of a structure or portion of a structure:

1.

That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household.

2.

Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed.

3.

Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.

R.

Low-barrier navigation centers. A housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

OS.

Mobile home parks. The mobile home parks use class consists of a site that is planned and improved to accommodate two or more mobile homes used for residential purposes, or on which two or more mobile home lots are rented or leased to accommodate mobile homes for residential purposes.

P.

~~Residential care facilities. The residential care facilities use class consists of providing twenty-four-hour nonmedical care in a residential setting for six or fewer people in need of personal services, supervision, protection, or assistance for sustaining the activities of daily living. See also “community care facilities” for six or more.~~

QT.

Dwelling, accessory. An “accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same lot as the single-family or multifamily dwelling is or will be situated. An “accessory dwelling unit” also includes the following: (1) an efficiency unit, as defined in California Health and Safety Code Section 17958.1 and (2) a manufactured home, as defined in California Health and Safety Code Section 18007. The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

A “junior accessory dwelling unit” has the meaning set forth in Government Code Section ~~66313~~ ~~65852.22~~, as it may be amended: a unit that is no more than five hundred square feet in size and contained entirely within an existing single-family residence and/or attached garage. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. It is required to have a separate entrance from the main entrance to the proposed or existing single-family residence and to include an efficiency kitchen which shall include a cooking facility with appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the unit.

U.

Shopkeeper housing. Shopkeeper units are dwelling units that are proximate but physically separated from a commercial space used for a business operated by the occupant of the associated residential unit. The shopkeeper units are typically located above or behind ground floor commercial or office spaces and may be owned or offered for lease to the owners and/or employees of the associated commercial spaces.

RV.

Single-room occupancy (SRO). The single-room occupancy use class consists of a multi-unit housing project for ~~single~~ one or two persons typically consisting of single rooms and shared bathrooms and may include a shared common kitchen and activity area. SROs may be restricted to seniors or be available to persons of all ages.

SW.

Supportive housing. The supportive housing use class consists of housing with no limit on length of stay and that is occupied by a target population as defined in subdivision (d) of Section 53260 of the California Health and Safety Code, as the same may be amended from time to time, and that provides, directly or indirectly, a significant level of on-site or off-site services that assist supportive housing residents in retaining housing, improving their health status, and maximizing their ability to live and, when possible, work in the residents' community.

TX.

Transitional housing. The transitional housing use class consists of residential units operated under program requirements that call for (1) the termination of any assistance to an existing program recipient and (2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which point in time shall be no less than six months into the future.

§ 17.70.040 Retail, service, and office use classes.

TT.

Specialty food retail. The specialty food retail use class consists of the following: groceries/drug stores (under ten thousand square feet), chocolate/candy, general gourmet, ice cream, pastry/desserts, yogurt/dairy, doughnuts/bakery, wine shops and wine tasting and similar specialty foods. ~~This use class is included in the 23rd Street Specific Plan.~~

UU.

Specialty goods retail. The specialty goods retail use class consists of the following, and similar specialty goods uses: cooking supplies/culinary, general housewares, decorator/arts and design centers (including tile, floor, and wall coverings), specialty hardware, antique stores selling high-quality used goods, party supplies, lamps/lighting, household accessories, books/magazines/ stationery, music/instruments. ~~This use class is included in the 23rd Street Specific Plan.~~

* * * * *

First read at a regular meeting of the City Council of the City of San Pablo on November 17, 2025, and finally passed and adopted at a second meeting of the City Council held on December 15, 2025, by the following votes:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ATTEST:

APPROVED:

Dorothy Gantt, City Clerk

Arturo Cruz, Mayor