



CITY OF SAN PABLO  
*City of New Directions*

# PUBLIC HEARING



PLAN 2311-0005  
AMENDMENT TO THE SAN PABLO ZONING ORDINANCE CHAPTER 17.38,  
OVERLAY AND SPECIAL DISTRICTS TO ADD A NEW SECTION 17.38.090,  
DESIGNATED HOUSING ELEMENT SITES (HE)

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CITY COUNCIL MEETING

DECEMBER 18, 2023



# PURPOSE/BACKGROUND

- ❖ San Pablo is currently preparing an update to its Housing Element to meet 2023-2031 RHNA requirements. The second submittal draft version is located here:  
<https://www.sanpabloca.gov/2804/General-Plan-Housing-Element-Update>
- ❖ One proposed program requires a By Right Zoning Amendment to accommodate RHNA at three sites in compliance with provisions of Government Code 65583.2 (h) and (i)
- ❖ The development sites include five properties: 2405 Church Lane (APN411-340-026); 4560 San Pablo Avenue (416-170-005); unaddressed property behind 3426 San Pablo Dam Road (420-130-020); 3426 San Pablo Dam Road (420-130-024); and 3440 San Pablo Dam Road (420-130-025)
- ❖ The sites are listed in current and previous Housing Elements as allowing for at least 30 du/acre or greater of housing where 20% or more of the units are designated for lower-income households.



# ZONING ORDINANCE AMENDMENT



**Program 1-N By Right Zoning Text Amendment to Accommodate RHNA.** There are three sites – APNs 411-340-026, 416 -170-005 and the Ohmsai site (420 -130-020, 420-130-024, 420-130-025) - on the inventory that were included in two prior consecutive planning periods. One of the sites is non -vacant and two are vacant (and were used in 2 prior inventories). All three of these sites already have zoning that permits the development of housing at 30 du/ac or greater by right and development standards are in place that facilitate construction at the maximum permitted density; however, a text amendment is required to clarify that development projects proposed on these sites are subject to by-right approval (without discretionary action) when the projects include housing developments with 20 percent or more of the units designated as affordable to lower -income households. Therefore, the City will amend the Zoning Code to permit development by right (consistent with Government Code 65583.2 (h) and (i)) on the subject properties.

**Responsible Agency/Department:** Community Development Department

**Timeframe:** Zoning text amendment will be brought to City Council for hearing in parallel with Housing Element by Jan 31, 2024 to ensure the objectives listed in this program are effectuated

**Objective:** 231 lower income units by 2031

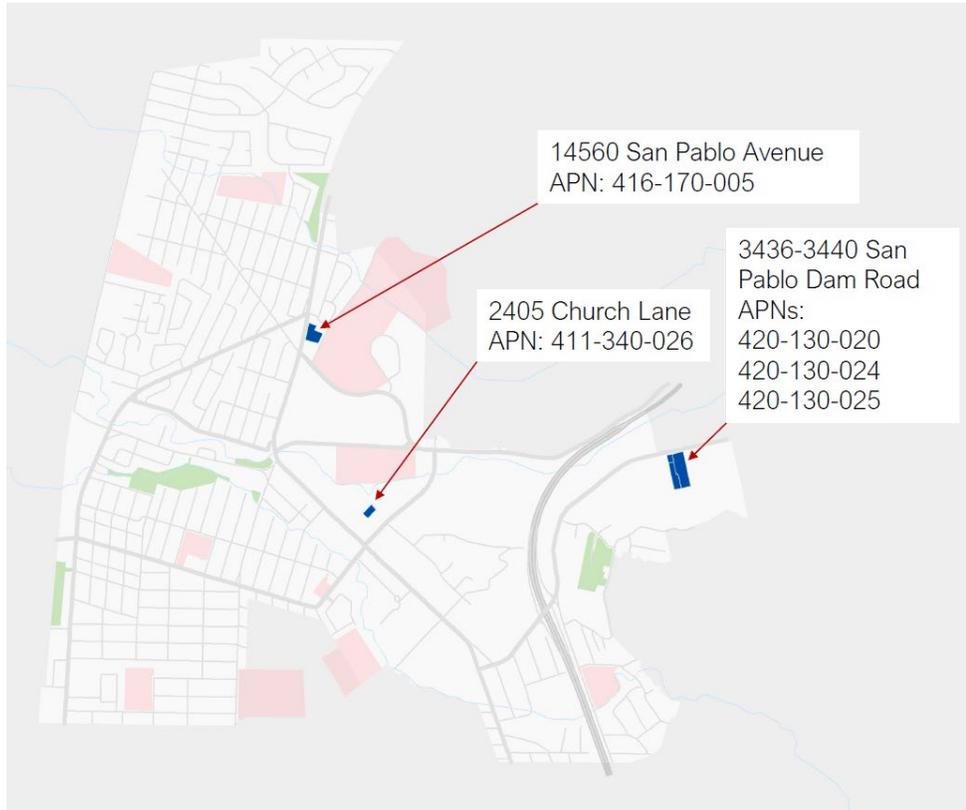
**Program 1-A Funding:** SB2 grant; General Fund



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# SUBJECT HOUSING SITES





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# SUBJECT HOUSING SITES





# PROPOSED AMENDMENT (EXHIBIT I)

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1. Adds new Overlay District entitled **Designated Housing Element Sites (HE) Overlay**.
2. Purpose to establish the maximum density requirements and ministerial review rights for certain properties designated for lower income housing pursuant to California Housing Law.
3. Designates five properties at three locations as identified above.
4. Establishes the allowed uses in the HE Overlay to be the permitted uses indicated in the Table of Uses for the underlying zone.
5. Establishes by-right approval for lower income residential projects which provide 20 percent or more of units affordable to lower-income households, subject to Minor Design Review by the Zoning Administrator making a finding that the project complies with objective provisions of the Code or other regulations. No other findings, discretionary approvals, or CUP shall be required.
6. Development standards are the same as for the underlying zone, but in no case shall allow less than 30 du/acre for housing projects with at least 20% affordable to lower-income households.



# ZONING ORDINANCE AMENDMENT

## SUPPORTING POLICIES

### ❖ General Plan Policy LU-G-5:

*Promote a variety of housing types and prices within neighborhoods to serve the economic needs of all segments of the community.*

### ❖ Housing Element Goal H-3: Affordability and the Adequate Provision of Housing

*Provide a diversity of housing types to meet the needs of all economic segments and family types in San Pablo.*

### ❖ Policy H-3.1 Affordable Housing

*Affordable Housing. Continue to encourage and assist with the development of affordable housing units for lower income households and strive for the provision of housing that is affordable to, and meets the needs of, current and future residents of San Pablo.*

### ❖ Policy H-3.3 Housing Variety, Choice and Innovation:

*Continue to encourage the provision of a variety of housing choices and types in the community, including innovative forms of housing*



# ZONING ORDINANCE AMENDMENT

## ZONING ORDINANCE COMPLIANCE

The proposed amendments are consistent with the purposes of the 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.*
- ❖ 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.*



# COMPLIANCE STATEMENTS

## **FY 2023-2025 Council Priority Workplan**

Amending the Zoning Ordinance provisions in the Municipal Code related to establishment of an overlay district for certain sites designated for lower income housing in the San Pablo Housing Element would help to promote the City Council Major Policy Goal of **Expand Housing Options**, Priority 301. **Update/Certify the General Plan and Housing Element**, and Priority 301.3. **Promote housing production to meet RHNA requirements (2023-2031).**



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# CEQA COMPLIANCE



## ENVIRONMENTAL DOCUMENTATION

The proposed amendment is **exempt from the California Environmental Quality Act (CEQA) because it is not a “project” pursuant CEQA Guidelines section 15378(b)(5)** because the proposed change to the zoning ordinance is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment; the amendment does not impact the type or intensity of use already allowed on the properties but rather simply recognizes that there is no discretionary permit or review required. Even if the amendment was considered to be a project, it would be exempt from environmental review pursuant to the **“common sense exemption” per CEQA Guidelines Section 15061(b)(3)** because it can be seen with certainty that there is no possibility that its adoption would have a significant effect on the environment because it does not allow any different uses or additional density than currently permitted.



# CONCLUSION

- ❖ The proposed text amendment furthers a required Housing Element program and will coincide with the City's adoption of the 2023-2031 Housing Element.
- ❖ Necessary to ensure compliance with Government Code Sections 65583.2(h) and (i), which requires identification of housing sites sufficient to accommodate 100% of the need for housing for very low and low-income households on sites that are zoned to permit multi-family housing by right.
- ❖ Will help to promote the development of affordable housing on certain sites that have been shown to meet housing site criteria by removing the barriers of discretionary review and allowing for a minimum density of development in conformity with California Housing Law.
- ❖ Consistent with the goals of the General Plan and purposes of the Zoning Ordinance.



# ZONING ORDINANCE AMENDMENT

## FISCAL IMPACT

The proposed amendment should have a positive fiscal impact on the City of San Pablo as it will help to facilitate the potential redevelopment of certain designated housing sites within the City. The amendment will also help the City to avoid the potential loss of grant funding associated with having a noncompliant Housing Element.



# ZONING ORDINANCE AMENDMENT

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## PLANNING COMMISSION RECOMMENDATION

- ❖ Planning Commission held a hearing on November 28, 2023 and recommended approval of the Ordinance (by Resolution PC23-15)

## PUBLIC HEARING NOTICE

- ❖ Public hearing notice published in the West County Times (West Contra Costa edition of East Bay Times) newspaper on December 8, 2023. The subject property owners and properties within 300 feet were also provided a notice.



# STAFF RECOMMENDATION

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- ❖ Review proposed amendment, as set forth in proposed Text Amendment (Exhibit 1) and summarized in Staff Report
- ❖ Conduct a Public Hearing
- ❖ Adoption of an Ordinance Amending Chapter 17.38, Overlay and Special Districts, of the San Pablo Zoning Code Chapter by adding a new Section 17.38.090, Designated Housing Element Sites (HE).



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# QUESTIONS?