

RESOLUTION PC25-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING THAT THE CITY COUNCIL APPROVE AN AMENDMENT TO THE SAN PABLO ZONING CODE, SECTION 17.32.030.B, RESIDENTIAL USES ALLOWED, EXCEPTIONS; SECTION 17.34.030.B, COMMERCIAL AND INDUSTRIAL USES ALLOWED, EXCEPTIONS; SECTION 17.36.030.B, PUBLIC AND SEMI-PUBLIC DISTRICTS ALLOWED, EXCEPTIONS; AND SECTION 17.38.050, AIR QUALITY AND HEALTH RISK OVERLAY DISTRICT, OF THE MUNICIPAL CODE TO ALLOW FOR RESIDENTIAL DEVELOPMENT AND SENSITIVE USES, INCLUDING SCHOOLS, DAY CARE FACILITIES, HOSPITALS, AND PARKS OR PLAYGROUNDS TO BE LOCATED IN THE AIR QUALITY HEALTH RISK OVERLAY DISTRICT (D3) SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, on May 4, 2015, the City of San Pablo adopted Ordinance 2015-002 amending the San Pablo Zoning Code to include an Overlay District along 500 feet of either side of Interstate 80 within San Pablo to protect sensitive receptors, including residential development, parks and other open spaces, schools, childcare facilities, senior centers, hospitals and medical facilities, from toxic air emissions; and

WHEREAS, administration of the resulting Section 17.38.050, Air Quality and Health Risk Overlay District (D3) has been problematic in that it is broad in terms of the uses that are not permitted, is not consistent with current contaminant concerns and designations of sensitive use types recognized by the Bay Area Quality Management District (BAAQMD) and it does not provide specific guidance as to appropriate project-level mitigation measures that may be incorporated as conditions to development in order to reduce potential impacts; and

WHEREAS, City of San Pablo staff consulted with staff of the BAAQMD to prepare an amendment to Section 17.38.050 to allow residential uses and sensitive uses with appropriate mitigation and to incorporate best practices from other communities that have similar overlay districts; and

WHEREAS, a proposed amendment to the San Pablo Zoning Code to allow for the development of residential and sensitive uses in the Air Quality And Health Risk Overlay District, including schools, day care facilities, hospitals, and parks or playgrounds, with residential uses not requiring a Conditional Use Permit, but subject to specific objective criteria including enhanced ventilation and reduced sound transmission, and sensitive uses subject to a Conditional Use Permit (where allowable) and the requirement to meet specific criteria, including site design and building orientation, enhanced ventilation, reduced sound transmission, and other conditional measures, including landscape buffering and Transportation Demand Management (TDM) measures to reduce vehicle miles traveled, has been prepared by city staff and presented to the Planning Commission and the public for review; and

WHEREAS, the proposed amendment to the San Pablo Zoning Code was previously evaluated in the Addenda to the 2030 General Plan EIR (certified on April 18, 2011) prepared for the General Plan Update 2035 (adopted on July 7, 2025), which found that there would not be any new or additional significant environmental impacts due to adoption of the General Plan Update. This amendment is also exempt from CEQA pursuant to Pub. Res. Code section 21080.085 which states that CEQA does not apply to a rezoning that implements Housing Element actions. Finally the amendment is also categorically exempt from the provisions of CEQA in accordance with Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no potential for causing a significant effect on the environment in that it consists of minor changes to land use regulations that do not, on their own, impact the environment; and,

WHEREAS, on December 9, 2025, the Planning Commission continued this item to January 27, 2026, on which date the Planning Commission conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution recommending approval of the proposed amendment; and,

WHEREAS, the Planning Commission has reviewed the entire record for the proposed amendment, including the staff report and all attachments, and oral and written public comments; and,

WHEREAS, notice of this public hearing was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Wednesday, November 19, 2025, in accordance with the requirements of Government Code Section 65091.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed amendment (Exhibit 1) and recommends approval of PLAN2508-0005, relating to the amendment of the Municipal Code, to the City Council, based on the following findings:

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF SAN PABLO AS FOLLOWS:

Section 1. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as findings.

Section 2. The Planning Commission hereby recommends that the City Council adopt the proposed zoning ordinance amendment attached hereto as Exhibit A, pursuant to the following findings:

- A. Pursuant to San Pablo Municipal Code section 17.22.040, the proposed ordinance is consistent with the goals, policies, and implementation programs of the General Plan 2035 and 2023-2031 Housing Element.

LU-G-1: Promote a sustainable, balanced land use pattern that responds to existing and future needs of the City, as well as physical and natural 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-G-4: Protect and enhance quality of life in the city's residential neighborhoods.

OSC-G-8: Protect and improve the air quality in San Pablo.

OSC-I-20: Maintain a 500-foot Air Quality Health Risk Overlay Zone on either side of Interstate 80 within the Planning Area to protect sensitive receptors from toxic air emissions. Within this overlay, avoid approval of new sensitive land uses, and for those projects permitted, require site-specific project design improvements (such as higher-performance windows and HVAC systems) in order to reduce public health risks associated with poor air quality in these locations.

Housing Element Policy 1-2: Promote development of a variety of housing types, sizes, and densities that meet community needs based on the suitability of the land, including the availability of infrastructure, the provision of adequate services and recognition of environmental constraints.

Housing Element Policy 1-3: Identify and work to reduce or remove regulatory and process-related barriers to housing development in San Pablo.

- B. The proposed amendment is consistent with the purposes of the Zoning Ordinance.

Pursuant to Zoning Ordinance Section 17.01.020, Purpose, the purpose of the ordinance is to promote growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort, and general welfare in conformance with the general plan. In addition, pursuant to Zoning Ordinance Section 17.32.010, Purpose, the ordinance helps to produce healthy, safe, and attractive neighborhoods in San Pablo, consistent with the policy direction in the San Pablo general plan.

The proposed amendment would ensure that any development in the Air Quality Health Risk Overlay Zone is built in an orderly and effective manner that protects the public health, safety, and general welfare of the community, consistent with the purposes of the Zoning Ordinance.

- C. The proposed amendment was previously evaluated in the Addenda to the 2030 General Plan EIR (certified on April 18, 2011) prepared for the General Plan Update 2035 (adopted on July 7, 2025), which found that there would not be any new or additional significant environmental impacts due to adoption of the General Plan Update. This amendment is also exempt from CEQA pursuant to Pub. Res. Code section 21080.085 which states that CEQA does not apply to a rezoning that implements Housing Element Actions. Finally, this amendment is also categorically exempt from the provisions of CEQA, in accordance with Guidelines Section 15061(b)(3), because it can be seen with certainty that there is no potential for causing a significant effect on the environment in that it consists of minor changes to land use regulations that do not, on their own, impact the environment.

D. Public notice of the hearing has been published in the West County Times, in accordance with the requirements of Government Code Section 65905.

A public hearing notice was published in the West County Times newspaper on Wednesday, November 19, 2025.

Section 3. The proposed amendments comply with state law governing zoning ordinance amendments at Government Code sections 65853 through 65857.

Adopted this 27th day of January 2026, by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSENT: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:

ATTEST:

APPROVED:

Sandra Castaneda Marquez, Secretary

, Chair

Exhibit A: Proposed Zoning Ordinance Amendment (with Strike Outs and Underlines)