



# City of San Pablo

Council Chambers  
1000 Gateway Avenue  
San Pablo, CA 94806  
(510) 215-3030  
[www.SanPabloCA.gov](http://www.SanPabloCA.gov)

## Meeting Agenda - Final

### Planning Commission

**Chair Johana Gurdian**  
**Vice Chair Jon Owens**  
**Commissioner Roberta Feliciano**  
**Commissioner Jerome Jackson**  
**Commissioner Y'Anad Burrell**

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Tuesday, July 28, 2026

6:00 PM

City Council Chambers

Members of the public may view this meeting  
online by using this URL

<https://us02web.zoom.us/j/85007036216>

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#### **\*IMPORTANT NOTICE ABOUT PUBLIC COMMENTS AND MEETING PARTICIPATION\***

##### **NOTICE:**

*Members of the public are invited to attend the meeting in-person at Council Chambers.*

*Members of the public may also view the meeting online at <https://us02web.zoom.us/j/85007036216>*

*or during livestream online at <https://sanpablo.legistar.com/Calendar.aspx>*

*Please note the following temporary change to the City's public comment procedures: Public comment by zoom or telephone will not be accepted. Public comment may be provided only in-person in Council Chambers or via email as set forth below.*

##### **PUBLIC COMMENTS:**

*At each meeting, the public has the opportunity to address the Planning Commission on items appearing on the agenda and, for items not appearing on the agenda but within the purview of the Planning Commission. Persons addressing the Commission must limit their remarks to three (3) minutes unless an extension or decrease of time is set. As allowed by the Brown Act, the Chair may limit the total time for public comments to facilitate the completion of business on the agenda.*

- IN-PERSON PUBLIC COMMENT:**

*Any person wishing to address the Commission should first complete and deliver a "Speaker Form" available at the speaker's podium and submit it to the Recording Secretary identifying the agenda item. The Chair will invite you to speak at the appropriate time when the matter is being considered.*

- WRITTEN PUBLIC COMMENT:**

*Public comments may also be submitted via email to [Pcommission@SanPabloCA.gov](mailto:Pcommission@SanPabloCA.gov). Each email must contain in the subject line "PUBLIC COMMENTS NOT ON THE AGENDA" [or] "PUBLIC COMMENTS AGENDA ITEM No.\_\_\_\_". Written comments received by 12:00 noon on the day of the meeting will be provided in advance to the Planning Commission and posted online with the agenda materials. During the meeting, the public may provide written public comments via email to [Pcommission@SanPabloCA.gov](mailto:Pcommission@SanPabloCA.gov). All written comments received after noon the day of the meeting will not be read out loud and will be provided directly to the members upon receipt and distributed with supplemental materials following the meeting. Please note that all information provided in public comments, email addresses and any other personal information written or stated is subject to disclosure on the broadcast of the video- or tele-conferenced meeting.*

**AGENDA MATERIALS:**

Copies of this Agenda and non-exempt public records relating to an open session item on this Agenda will be available for public view at the Community Development Department, 1000 Gateway Avenue, San Pablo. The full agenda packet may also be viewed on the City website at <https://sanpablo.legistar.com/Calendar.aspx>

**AMERICAN WITH DISABILITIES ACT:**

In accordance with the Americans with Disabilities Act and Brown Act, individuals with disabilities requiring reasonable accommodations, including auxiliary aids or services, in order to participate in the meeting should submit a completed Meeting Accommodation Request Form by email to [CityClerk@SanPabloCA.gov](mailto:CityClerk@SanPabloCA.gov), with "Accommodation Request" listed in the subject line of the email.

Alternatively, completed Meeting Accommodation Request Forms may be submitted to the City Clerk's Office at City Hall, 1000 Gateway Avenue, San Pablo, CA 94806. Meeting Accommodation Request Forms may be found <https://www.sanpabloca.gov/DocumentCenter/View/15988/FRM-Meeting-Accommodation-Request-Form-FINAL-020823>, or requested by email to [CityClerk@SanPabloCA.gov](mailto:CityClerk@SanPabloCA.gov), or by phone at (510) 215-3000.

Meeting accommodation requests should be submitted to the City as soon possible. The City will attempt to resolve before the meeting begins all accommodation requests received by 10 a.m. on the day of the meeting.

**CALL TO ORDER****PLEDGE OF ALLEGIANCE****ROLL CALL****STAFF INTRODUCTIONS****PUBLIC COMMENT**

This is the time for comments on any item within the Commission's subject matter jurisdiction, if such item is NOT listed on tonight's agenda. The Commission may not engage in discussion or take action on any item that is not specifically listed on the agenda. Your item may be referred to city staff for investigation, report or placement on a future agenda. Persons addressing the Commission are required to limit their remarks to three (3) minutes unless an extension or decrease of time is ordered. Please file your name and address with the Recording Secretary on forms available at the speaker's podium.

**APPROVAL OF MINUTES**

1. [PC26-034](#) CONSIDER APPROVING MINUTES FROM MEETING ON JUNE 23, 2026

CEQA: This proposed action is not a project as defined by CEQA.

**Recommendation:** Approve

**Attachments:** [Minutes PC 062326 Draft](#)

**APPEAL DATE**

The appeal date for actions taken by the Planning Commission at this meeting can be appealed to the City Council no later than 6:00 p.m. on August 10, 2026.

**PUBLIC HEARINGS**

2. [PC26-035](#) AMENDMENT TO THE SAN PABLO ZONING CODE, CHAPTER 17.60, SPECIAL RESIDENTIAL USES, SECTION 17.60.070, ACCESSORY DWELLING UNITS, TO UPDATE DEVELOPMENT STANDARDS AND REGULATIONS IN ORDER TO REFLECT CURRENT STATE LAW AND PROMOTE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUS).

CEQA: This amendment to the ADU regulations in the Zoning Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of accessory dwelling unit ordinances.

**Recommendation:** Conduct public hearing; adopt Resolution

**Attachments:** [Att A. Resolution PC26-09 ADU Zoning Ordinance](#)  
[Exh A. Proposed ADU Zoning Ordinance Text Amendment](#)  
[Att B. Proof of Publication](#)

3. [PC26-033](#) CONSIDERATION OF A VESTING TENTATIVE PARCEL MAP TO ALLOW FOR THE SUBDIVISION OF A 2.39 ACRE PARCEL, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 411-330-041, INTO TWO PARCELS OF 1.97 ACRES AND 0.42 ACRES

CEQA: The proposed project (vesting tentative parcel map) has been determined to be categorically exempt from the provisions of CEQA under CEQA Guidelines Section 15315, Class 15, Minor Land Division.

**Recommendation:** Conduct public hearing; adopt Resolution

**Attachments:** [Att A. Resolution PC26-10- Vesting Tentative Map](#)  
[Att B. Location Map](#)  
[Att C. Vesting Tentative Parcel Map](#)  
[Att D. Notice of Public Hearing](#)

**STUDY SESSION**

4. [PC26-036](#) PLANNING COMMISSION STUDY SESSION REGARDING PROPOSED AMENDMENTS TO MISCELLANEOUS SECTIONS OF TITLE 17 "ZONING" OF THE SAN PABLO MUNICIPAL CODE IN ORDER TO: MAINTAIN CONSISTENCY ACROSS CODE SECTIONS, REFLECT CURRENT PRACTICE, IMPLEMENT BEST PRACTICE, AND MAKE OTHER MINOR, ADMINISTRATIVE CHANGES

CEQA: This is not a project subject to environmental review under the California Environmental Quality Act.

**Recommendation:** For Informational Purposes Only

**STAFF UPDATES**

**COMMISSIONER UPDATES**

**ADJOURNMENT**

*Adjourn to Tuesday, August 25, 2026 at 6:00 p.m.*



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## Legislation Text

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**File #:** PC26-034, **Version:** 1

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**SUBJECT:**

CONSIDER APPROVING MINUTES FROM MEETING ON JUNE 23, 2026

CEQA: This proposed action is not a project as defined by CEQA.

Approve



## City of San Pablo Planning Commission Meeting Minutes Tuesday, June 23, 2026

### Call To Order

Planning Manager Castaneda Marquez called the meeting to order at 6:00 p.m.

### Selection of Vice Chair

Commissioner Feliciano made a motion, seconded by Commissioner Burrell to nominate Jon Owens as Vice Chair. This motion passed as follows:

AYES: Burrell, Feliciano, Owens

NOES:

ABSENT: Jackson, Gurdian

ABSTAIN:

### Roll Call

Roll call showed present: Vice Chair Owens, Commissioner Feliciano and Commissioner Burrell. Chair Gurdian and Commissioner Jackson were absent. Staff present at the meeting included: Sandra Castaneda Marquez, Planning Manager; Allen Tai, Community Development Director; Rick Jarvis, Special Counsel; Griffen Dempsey, Associate Planner and Michelle Chavez, Administrative Secretary.

### Public Comments

There were no public comments on non-agenda items.

### Approval of the Minutes

Commissioner Burrell made a motion to approve the minutes of the April 28, 2026 meeting. The motion was seconded by Commissioner Feliciano and passed as follows:

AYES: Burrell, Feliciano, Owens

NOES:

ABSENT: Jackson, Burrell

ABSTAIN:

### Appeal Date

The appeal date for actions taken by the Commission at this meeting would be no later than 6:00 p.m. July 6, 2026.

### Staff Updates

1. Community Development Director, Allen Tai introduced himself to the Commission.
2. Planning Commission Ordinance 2026-005 was passed by the City Council on May 18, 2026 and became effective June 18, 2026. The Ordinance was provided to all Commissioners.

**Presentations**

File ID PC26-031: Associate Planner Dempsey gave a presentation of the City of San Pablo's application for the California Department of Housing and Community Development Prohousing Designation Program.

**Commissioner Updates**

None

**Adjournment**

There being no further business, Vice Chair Owens adjourned the meeting at 6:31 p.m. to Tuesday, July 28, 2026.

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Sandra Castaneda Marquez, Secretary

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Johana Gurdian, Chair



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## Legislation Text

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**File #:** PC26-035, **Version:** 1

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**PREPARED BY:** GRIFFEN DEMPSEY

**DATE OF MEETING:** 7/28/2026

### **SUBJECT:**

AMENDMENT TO THE SAN PABLO ZONING CODE, CHAPTER 17.60, SPECIAL RESIDENTIAL USES, SECTION 17.60.070, ACCESSORY DWELLING UNITS, TO UPDATE DEVELOPMENT STANDARDS AND REGULATIONS IN ORDER TO REFLECT CURRENT STATE LAW AND PROMOTE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUS).

CEQA: This amendment to the ADU regulations in the Zoning Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of accessory dwelling unit ordinances.

Conduct public hearing; adopt Resolution

### **REQUESTED ACTION**

Approve Resolution recommending City Council approval of PLAN2604-0003, amendment to the San Pablo Zoning Code Section 17.60.070, Accessory Dwelling Units, to conform to State ADU law and further promote the development of Accessory Dwelling Units (ADUs). This is a recommendation by the Planning Commission to the City Council for approval of an amendment to the Zoning Ordinance provisions in the Municipal Code related to the regulations and development standards for ADUs and Junior Accessory Dwelling Units (JADUs).

### **PUBLIC HEARING NOTICE**

A Public Hearing Notice was published in the West County Times (West Contra Costa edition of the East Bay Times) newspaper on Wednesday, July 8<sup>th</sup>, 2026.

### **ENVIRONMENTAL DOCUMENTATION**

This amendment to the ADU regulations in the Zoning Ordinance is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of accessory dwelling unit ordinances.

### **BACKGROUND**

On April 28, 2026, City staff brought forth a proposed amendment to the City's ADU ordinance. The purpose of the amendment was to comply with recent state laws that have modified ADU requirements, including AB 462, AB 1154, SB 9, and SB 543. In addition to proposed changes to align with the latest legislation, staff also proposed an increase in detached ADU height limits beyond the minimum required in State law to promote the orderly development of ADUs and further expand ADU production in San Pablo. The Planning Commission recommended that the City Council adopt the proposed ordinance.

On May 20, 2026, City staff received a letter from the California Department of Housing and



Community Development (HCD). State law requires the City to send any changes to its local ADU ordinance to HCD for review. HCD provided a courtesy review of the draft ordinance that had been reviewed and recommended by the Planning Commission. HCD noted that certain state law requirements could be clarified and recommended changes. Staff determined that the overall structure of the ADU ordinance should be amended to better accommodate the updated state law requirements. Staff accordingly drafted a new, updated ordinance with a new structure that aligns with state law and HCD's guidance. Staff have also included additional changes to promote production of ADUs.

### **SUMMARY OF CHANGES**

New changes to the ordinance are as follows:

- The ADU regulations have been reorganized to better align with State law. This includes updated definitions, ADU categories, permit processing procedures, and other miscellaneous changes.
- Permitting procedures are established in accordance with the new timelines set forth under AB 462, including a new requirement for findings of completeness within 15 days of receipt of an application and approval or denial of a complete application within 60 days.
- The maximum allowable size for ADUs is standardized at 1,200 square feet, regardless of bedroom count. This proposed change exceeds State law minimum standards and is intended to further incentivize ADU development and expand housing choices within in the city per the 2023-2031 Housing Element.
- The increased height limits previously proposed have been revised so that an Administrative Use Permit is no longer required. Instead, a standardized height limit of 20 feet at the eave and 25 feet at roof peak is established for all ADUs. This update simplifies and consolidates existing height standards, which currently allow attached ADUs up to 25 feet while detached ADUs range from 16 to 20 feet depending on specific circumstances. By applying uniform height limits of 20 feet at the eave and 25 feet at the roof peak, the ordinance creates a consistent and streamlined regulatory framework for all ADU types.
- State law prohibits requiring ADUs to provide off-street parking. The proposed ordinance clarifies this existing requirement by specifying that no parking spaces are required for ADUs and that any parking spaces removed to accommodate an ADU do not need to be replaced. This reflects a clarification of current rules rather than a change in policy.

### **GENERAL PLAN COMPLIANCE**

The proposed ordinance is consistent General Plan policies and implementation strategies that promote housing construction and facilitate the development of various housing types and sizes, including accessory dwelling units, such as the following:

*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-13: Promote the development of a greater variety of housing types and sizes in existing neighborhoods to meet the needs of future demographics and changing household sizes, including single-family homes on small lots; accessory dwelling units; alley-facing units; townhomes; live-work spaces; duplexes; triplexes; fourplexes; bungalow courts; and senior and student housing.*

The proposed zoning text amendment would also implement policies and programs of the 2023-31 Housing Element, helping to promote increased housing development across all levels of affordability and expand the range of housing options available in San Pablo, by further promoting the development of ADUs and JADUs. Examples include:

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

*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.*

### **STAFF RECOMMENDATION**

Approve Resolution recommending approval of PLAN2604-0003. This is a recommendation by the Planning Commission to the City Council for approval of an amendment to the Zoning Code to update development standards and requirements for ADUs and JADUs, consistent with state law.

### **CONCLUSION**

The purpose of this public hearing is for the Planning Commission to review the proposed zoning ordinance amendment, take public testimony, and make a recommendation to the City Council. The Draft Text Amendment (Exhibit A) includes the new proposed text of Section 17.60.070 of the Zoning Ordinance, which will replace the existing section in its entirety.

### **ATTACHMENTS**

- Att A. Resolution PC26-09 ADU Ordinance Text Amendment recommendation to City Council
- Exh A. Proposed ADU Zoning Ordinance Text Amendment
- Att B. Proof of Publication

## RESOLUTION PC26-09

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING THAT THE CITY COUNCIL REPEAL AND REPLACE SAN PABLO ZONING CODE CHAPTER 17.60, SPECIAL RESIDENTIAL USES, SECTION 17.60.070, ACCESSORY DWELLING UNITS, TO UPDATE DEVELOPMENT STANDARDS AND REGULATIONS IN ORDER TO REFLECT CURRENT STATE LAW AND PROMOTE THE DEVELOPMENT OF ACCESSORY DWELLING UNITS (ADUS).**

**WHEREAS**, on January 1, 2019, Senate Bill 1333 allowed Accessory Dwelling Units (ADUs) in all zones that allow residential uses is an essential component in addressing California's housing crisis; and,

**WHEREAS**, on November 16, 2020, the City of San Pablo adopted Ordinance 2020-011, amending Chapters 17.34, 17.42, 17.54, 17.60, 17.68, 17.70, and Appendix A of the Zoning Code regarding Accessory Dwelling Units to bring the Code into compliance with Senate Bill 1333 and subsequent state legislation surrounding ADUs; and

**WHEREAS**, on December 18, 2023, the City of San Pablo adopted Ordinance 2023-004, further amending Chapter 17.60 of the Zoning Code to bring the Code into compliance with a number of changes that had been made to State ADU law since the adoption of Ordinance 2020-011; and

**WHEREAS**, on October 7, 2024, the City of San Pablo adopted Ordinance 2024-004, further amending Chapter 17.60 of the Zoning Code to bring the Code into compliance with a number of changes that had been made to State ADU law since the adoption of Ordinance 2023-004; and

**WHEREAS**, on December 15, 2025, the City of San Pablo adopted Ordinance 2025-004, further amending Chapter 17.60 of the Zoning Code, along with other amendments implementing the Housing Element 2023-2031, to remove the deed restriction provisions for ADUs; and

**WHEREAS**, on December 15, 2025, the City of San Pablo adopted Ordinance 2025-005 to amend Chapter 17.60 of the Zoning Code to allow for the sale of ADUs as condominiums or tenancy-in-common; and

**WHEREAS**, on April 28, 2026, the Planning Commission adopted Resolution PC26-07, recommending to amend Chapter 17.60 of the Zoning Code to further amend rules and regulations surrounding ADUs; and

**WHEREAS**, following review from the California Department of Housing and Community Development, Staff have compiled and are recommending the repeal and replacement of Section 17.60.070 of the Zoning Code with the proposed new ordinance; and

**WHEREAS**, the proposed changes to Title 17 of the Municipal Code, Zoning, have been compiled and presented to the Planning Commission and the public for review; and,

**WHEREAS**, on July 28th, 2026, 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, July 8, 2026, in accordance with the requirements of Government Code Section 65091.

**NOW, THEREFORE BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN PABLO** that pursuant to California Public Resources Code Section 21080.17, ordinances concerning ADUs are statutorily exempt from the California Environmental Quality Act (CEQA), as this section states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of state legislation governing ADUs.

**NOW, BE IT FURTHER RESOLVED** that the Planning Commission has reviewed the proposed amendment (Exhibit A) and recommends approval of PLAN2604-0003 to the City Council, based on the following findings:

**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.

*The proposed amendment would implement policies and programs of the 2023-31 Housing Element, helping to promote increased housing development across all levels of affordability and expand the range of housing options available in San Pablo, by further promoting the development of ADUs and JADUs. The proposed ordinance would promote further ADU and JADU development by clarifying regulations and increasing the allowed height and square footage of ADUs.*

B. Pursuant to Public Resources Code Section 21080.17, the proposed amendment is statutorily exempt from the California Environmental Quality Act (CEQA).

*The proposed amendment is exempt from CEQA as Public Resources Code Section 21080.17 states that CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.2 of the California Government Code (State Accessory Dwelling Unit Law).*

C. 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, July 8, 2026.*

**Section 3.** The proposed amendments comply with state law governing zoning ordinance amendments at Government Code sections 66310 through 66342.

\*\*\*\*\*

Adopted this 28<sup>th</sup> day of July 2026, by the following vote:

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

ATTEST:

APPROVED:

\_\_\_\_\_  
Sandra Castaneda Marquez, Secretary

\_\_\_\_\_  
Johana Gurdian, Chair

Exhibit A: Proposed Zoning Ordinance Amendment

§ 17.60.070. **Accessory Dwelling Units (ADUs).**

- A. **Purpose.** The purposes of this section are to authorize accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs); 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 66310-66332, as may be amended from time to time, 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, subject to the requirements of this section.
- B. **Effect of Compliance.** An ADU or JADU that complies with the standards in this section will not be:
1. Deemed to be inconsistent with the City's General Plan land use designation and zoning district for the lot on which the ADU or JADU is located.
  2. Deemed to exceed the allowable dwelling unit density for the lot on which the ADU or JADU is located.
  3. Required to correct a Nonconforming Zoning Condition, as defined in subsection (C)(9) below. Notwithstanding the foregoing, nothing herein prevents the City from enforcing compliance with applicable building standards in accordance with Health and Safety Code Section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
1. **Accessory Dwelling Unit (ADU).** 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. An accessory dwelling unit also includes the following:
    - a. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code; and
    - b. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.
  2. **Accessory Structure.** A structure that is accessory and incidental to a dwelling located on the same lot.
  3. **Complete Independent Living Facilities.** Permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated.
  4. **Efficiency Kitchen.** A kitchen that includes each of the following:
    - a. A cooking facility with appliances.
    - b. A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.

5. **Junior Accessory Dwelling Unit (JADU).** A residential unit that satisfies all of the following:
    - a. Is no more than 500 square feet of interior livable space in size;
    - b. Is contained entirely within an existing or proposed single-family dwelling structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure;
    - c. Includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family dwelling structure;
    - d. Either contains a separate bathroom or contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling; and
    - e. Includes an efficiency kitchen, as defined subsection (C)(4) above.
  6. **Livable Space.** A space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
  7. **Living Area.** The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
  8. **Multi-Family Dwelling.** Any structure designed for human habitation that has been divided into two or more legally created independent living quarters.
  9. **Nonconforming Zoning Condition.** A physical improvement on a property that does not conform with current zoning standards.
  10. **Passageway.** A pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
  11. **Proposed Dwelling.** A dwelling that is the subject of a permit application and that meets the requirements for permitting.
  12. **Single-family Dwelling.** Any structure designed for human habitation that has been legally created for a single independent living quarters.
- D. **ADU Types.** ADUs and JADUs may be created as follows:
1. **ADUs and JADUs on Lots with Existing or Proposed Single-family Dwelling.**
    - a. Interior Converted ADU/JADU. One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
      - i. Is either:
        - (1) Within the space of a proposed single-family dwelling; or

- (2) Within the existing space of an existing single-family dwelling; or
    - (3) Is an ADU within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
  - ii. Has exterior access that is independent of that for the single-family dwelling; and
  - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes, and if a JADU, complies with the requirements of Government Code Sections 66333 through 66339.
- b. Standard Detached ADU on Lot with Single-family Dwelling. One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling, if the detached ADU satisfies each of the following limitations:
  - i. The side and rear setbacks are at least four feet.
  - ii. The floor area is 800 square feet of interior livable space or smaller.
  - iii. The height does not exceed following 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.
- c. Large ADU on Lot with Single Unit Dwelling. One attached, converted, or detached ADU on a lot with a proposed or existing single-family dwelling, if the ADU satisfies all of the following criteria:
  - i. The side and rear setbacks are at least four feet. Front setbacks are consistent with the front setbacks of the zoning district of the parcel. Notwithstanding the foregoing, no setbacks are applicable for an ADU constructed in the same location and to the same dimensions as an existing structure.
  - ii. The floor area does not exceed 1,200 square feet of interior livable space.
  - iii. The height does not exceed 20 feet at the eave or 25 feet at the roof peak. For an attached ADU, the height shall not exceed 25 feet or the height limit of the zone, whichever is smaller.
  - iv. The ADU is at least 6 feet from any other structure.

**2. ADUs on Lots with Existing or Proposed Multi-Family Dwellings.**

- a. Converted ADU on Lot with Multi-Family Dwelling. One or more ADUs within



portions of existing multi-family dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. At least one converted ADU is allowed within an existing multi-family dwelling, up to a quantity equal to 25 percent of the existing multi-family dwelling units.

- b. Detached ADU on Lot with Multi-Family Dwelling. No more than two detached ADUs on a lot with a proposed multi-family dwelling, or up to eight detached ADUs on a lot with an existing multi-family dwelling, if each detached ADU satisfies all of the following criteria:
  - i. The side and rear setbacks are at least four feet. If the existing multi-family dwelling has a rear or side yard setback of less than four feet, the City will not require any modification to the multi-family dwelling as a condition of approving the ADU.
  - ii. The height does not exceed 20 feet at eave and 25 feet at roof peak.
  - iii. If the lot has an existing multi-family dwelling, the quantity of detached ADUs shall not exceed the number of primary dwelling units on the lot.
  - iv. Multiple detached ADUs on the same property are not required to be separated from one another.

#### E. ADU Approvals.

1. **Building Permit Required.** No ADU may be constructed without a building permit.
2. **Process and Timing.**
  - a. Completeness.
    - i. Determination in 15 Days. The City will determine whether an application to create or construct an ADU or JADU is complete and will provide written notice of the determination to the applicant within 15 business days after the City receives the application submittal.
    - ii. Incomplete Items. If the City's determination under subsection (E)(2)(a)(i) above is that the application is incomplete, the City's notice shall list the incomplete items and describe how the application can be made complete. After receiving a notice that the application is incomplete, the applicant may cure and address the items that were deemed by the City to be incomplete.
    - iii. Subsequent Submittals. If the applicant submits additional information to address incomplete items, within 15 business days of the subsequent submittal, the City will determine in writing whether the additional information is sufficient to make the application complete. The City shall not require the resubmitted application to include an item that was not included in the original notice.

- iv. Deemed Complete. If the City does not make a timely determination as required by this subsection, the application or resubmitted application is deemed complete for the purposes of subsection (E)(2)(c) below.
- v. Appeal of Incompleteness. A decision of incompleteness for an ADU or JADU may be appealed in accordance with the appeal procedures set forth in Municipal Code Section 17.16.080, Appeals. The Planning Commission shall review the written appeal and affirm or reverse the completeness determination and provide a final written determination to the applicant within 60 business days after receipt of the appeal. Notwithstanding Section 17.16.080, the Planning Commission's decision on an appeal shall be final.
- b. No Discretion or Hearing. Permits for an ADU or JADU are considered and approved ministerially, without discretionary review or a hearing.
- c. Deadline to Approve or Deny Ministerial Approvals. The City shall approve or deny an application to create an ADU or JADU within 60 days from the date that the City receives a complete application. If the City has not approved or denied the complete application within 60 days, the application is deemed approved unless either:
  - i. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or
  - ii. When an application to create an ADU or JADU is submitted with a permit application to create a new single-family dwelling or multi-family dwelling on the lot, the City may delay acting on the permit application for the ADU or JADU until the City acts on the permit application to create the new single-family dwelling or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.
- d. Denial. If the City denies an application to create an ADU or JADU, the City shall provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments shall be provided to the applicant within the 60-day time period established by subsection (E)(2)(c) above.
- e. Appeal of Denial. A denial of an ADU or JADU may be appealed in accordance with the appeal procedures set forth in Municipal Code Section 17.16.080, Appeals. The Planning Commission shall review the written appeal and affirm or reverse the denial and provide a final written determination to the applicant within 60 business days after receipt of the appeal. Notwithstanding Section 17.16.080, the Planning Commission's decision on an appeal shall be final.
- f. Concurrent Review of Demolition Permits. Any required demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU building permit and issued at the same time as the building permit.

F. **General Requirements.** The following requirements apply to all ADUs and JADUs:

1. **Zoning.**
  - a. An ADU may be created on a lot in a residential or mixed-use zone.
  - b. An ADU may be created on a lot that is zoned to allow single-family dwelling residential use or multi-family dwelling residential use.
  - c. In accordance with Government Code Section 66333(a), a JADU may only be created on a lot zoned for single-family residences.
2. **Fire Sprinklers.** Fire sprinklers are required in an ADU or JADU if sprinklers are required in the primary residence. The construction of an ADU or JADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
3. **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
4. **Owner-Occupancy.**
  - a. ADUs. ADUs are not subject to an owner-occupancy requirement.
  - b. JADUs.
    - i. Generally. As required by State law, JADUs are generally subject to an owner-occupancy requirement under State law. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence.
    - ii. Exceptions. The owner-occupancy requirement in this subsection (E)(7)(b) does not apply in either of the following situations:
      - (1) The JADU has separate sanitation facilities (i.e., does not share sanitation facilities with the existing primary dwelling unit structure).
      - (2) The property is entirely owned by another governmental agency, land trust, or housing organization.
5. **Deed Restriction.** For all JADUs, a deed restriction shall be recorded against the title of the property in the Contra Costa County Recorder's office and a copy filed with the Director. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction will be provided by the City, and shall include the following restrictions:
  - a. The JADU may not be sold separately from the primary dwelling.
  - b. The JADU is restricted to the approved size and to other attributes allowed by this section.
  - c. The deed restriction runs with the land and may be enforced against future property owners.
  - d. The deed restriction is enforceable by the Director or their designee for the benefit of the City. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the City is authorized to

obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the JADU in violation of the recorded restrictions or abatement of the illegal unit.

6. **Building and Safety.** All ADUs and JADUs shall comply with Title 15 of the San Pablo Municipal Code. Construction of an ADU does not constitute a Group R occupancy change under Title 15, as described in Section 310 of the California Building Code, unless the City Building Official makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection prevents the City from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.
7. **Parking.**
  - a. Parking spaces are not required for ADUs.
  - b. No Replacement Parking Required. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.
8. **Decks.** A deck may be allowed as part of an ADU/JADU provided such deck meets the requirements set forth in Section 17.42.040.
- G. **Utilities.** Converted ADUs and JADUs on a single-family dwelling lot, created under subsection (D)(1)(a) above, are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Notwithstanding the foregoing, a direct utility connection is required for separate conveyance of an ADU when separate conveyance is allowed under this Section.
- H. **Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.**
  1. **Generally.** The City shall not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
  2. **Unpermitted ADUs and JADUs Constructed Before 2020.**
    - a. Permit to Legalize. As required by State law, the City shall not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
      - i. The ADU or JADU violates applicable building standards, or
      - ii. The ADU or JADU does not comply with the State ADU or JADU law or this Section 17.60.070.
    - b. Exceptions:
      - i. Notwithstanding subsection (H)(2)(a) above, the City may deny a

permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the City makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code Section 17920.3.

- ii. Subsection (H)(2)(a) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code Section 17920.3.

**I. Provisions for Separate Sale.**

1. A JADU may not be sold or otherwise conveyed separately from the parcel and the primary dwelling (in the case of a single-family dwelling) or from the parcel and all of the dwellings (in the case of a multiple-unit dwelling).
2. An ADU may be sold or conveyed separately from the primary residence to a qualified buyer either as a Condominium, pursuant to Section K.2 below, or as tenancy in common.
3. Tenancy in Common for ADUs is allowed if the property is held pursuant to a recorded tenancy in common agreement that includes all of the following:
  - a. 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.
  - b. A repurchase option that requires the qualified buyer to first offer the tenant in common to buy the property if the buyer desires to sell or convey the property.
  - c. A requirement that the qualified buyer occupies the property as the buyer's principal residence.
  - 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 (J)(3)(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.

**J. Accessory Dwelling Unit Condominiums.**

1. Purpose. The purpose of this Section is to establish standards, requirements, and procedures to allow separate sale or conveyance of a primary unit and an ADU or ADUs as condominiums pursuant to the regulations set forth in Government Code Section 66342, added by State Assembly Bill 1033 (AB 1033).
2. Separate Sale or Conveyance of ADUs as Condominiums. An ADU or ADUs shall be separately sold or conveyed as condominiums only under the conditions outlined in this Section.
3. ADU Condominium Requirements. All condominium projects subject to this Section shall be subject to the following requirements:

- a. All condominium projects subject to this Section shall comply with all applicable provisions of the San Pablo Municipal Code.
- b. The condominiums shall be created pursuant to the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code).
- c. The condominiums shall be created in conformance with all applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410)) and all objective requirements of Chapter 16.02.060, 16.04, and 16.10 9.54, Subdivisions. As provided in Section 16.02.060, projects that will result in four or fewer parcels require a tentative map and final parcel map or waiver of parcel map and are not subject to a final subdivision map and Planning Commission review.
- d. All condominium projects subject to this Section shall comply with the requirements of the California Government Code and Chapter 15.44, Condominium Conversion.
- e. Before recordation of the condominium plan, a safety inspection of the ADU shall be conducted as evidenced either through a certificate of occupancy from the local agency or a housing quality standards report from a building inspector certified by the United States Department of Housing and Urban Development.
- f. Lienholder's consent required. Lienholder's consent shall be required as follows:
  - i. Neither a subdivision map nor a condominium plan shall be recorded with the county recorder in the county where the real property is located without each lienholder's consent. The following shall apply to the consent of a lienholder:
    - 1. A lienholder may refuse to give consent.
    - 2. A lienholder may consent provided that any terms and conditions required by the lienholder are satisfied.
  - g. Prior to recordation of the initial or any subsequent modifications to the condominium plan, written evidence of the lienholder's consent shall be provided to the county recorder along with a signed statement from each lienholder that states as follows: *"(Name of lienholder) hereby consents to the recording of this condominium plan in their sole and absolute discretion and the borrower has or will satisfy any additional terms and conditions the lienholder may have."*
  - h. The lienholder's consent shall be included on the condominium plan or a separate form attached to the condominium plan that includes the following information:
    - i. The lienholder's signature.
    - ii. The name of the record owner or ground lessee.

- iii. The legal description of the real property.
- iv. The identities of all parties with an interest in the real property as reflected in the real property records.
- v. The lienholder's consent shall be recorded in the office of the county recorder of the county in which the real property is located.
- i. The City shall include the following notice to consumers on any ADU or JADU unit submittal checklist or public information issued describing requirements and permitting for ADUs, including in any ADU building permit or condominium plan approval:

*“NOTICE: If you are considering establishing your primary dwelling unit and accessory dwelling unit as a condominium, please ensure that your building permitting agency allows this practice. If you decide to establish your primary dwelling unit and accessory dwelling unit as a condominium, your condominium plan or any future modifications to the condominium plan must be recorded with the County Recorder. Prior to recordation or modification of your subdivision map and condominium plan, any lienholder with a lien on your title must provide a form of written consent either on the condominium plan, or on the lienholder's consent form attached to the condominium plan, with text that clearly states that the lender approves recordation of the condominium plan and that you have satisfied their terms and conditions, if any.*

*In order to secure lender consent, you may be required to follow additional lender requirements, which may include, but are not limited to, one or more of the following:*

*A. Paying off your current lender.*

*You may pay off your mortgage and any liens through a refinance or a new loan. Be aware that refinancing or using a new loan may result in changes to your interest rate or tax basis. Also, be aware that any subsequent modification to your subdivision map or condominium plan must also be consented to by your lender, which consent may be denied.*

*B. Securing your lender's approval of a modification to their loan collateral due to the change of your current property legal description into one or more condominium parcels.*

*C. Securing your lender's consent to the details of any construction loan or ground lease.*

*This may include a copy of the improvement contract entered in good faith with a licensed contractor, evidence that the record owner or ground lessee has the funds to complete the work, and a signed statement made by the record owner or ground lessor that the information in the consent above is true and correct.”*

- j. If an ADU is established as a condominium, the property owner shall notify

providers of utilities, including water, sewer, gas, and electricity, of the condominium creation and separate conveyance.

- k. Existing Association Consent Required. Consent from existing associations shall be required as follows:
  - i. The owner of a property or a separate interest within an existing planned development that has an existing association, as defined in Section 4080 of the Civil Code, shall not record a condominium plan to create a common interest development under Section 4100 of the Civil Code without the express written authorization by the existing association.
  - ii. For purposes of this subdivision, written authorization by the existing association means approval by the board at a duly noticed board meeting, as defined in Section 4090 of the Civil Code, and if needed pursuant to the existing association's governing documents, membership approval of the existing association.



2015901

SAN PABLO CITY OF  
1000 GATEWAY AVENUE  
ATTN: CASEY ERLLENHEIM  
SAN PABLO, CA 94806

**PROOF OF PUBLICATION**

**FILE NO. 7/28 Hearing/PLAN 2604-0003**

**West County Times**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**07/08/2026**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 8th day of July, 2026.



Signature

Legal No.

**0006978200**

**CITY OF SAN PABLO  
NOTICE OF PUBLIC HEARING  
TUESDAY, JULY 28, 2026**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of San Pablo, State of California, will hold a public hearing on the following item:

**PLAN2604-0003: City of San Pablo Municipal Code Amendment** to consider amendments to Section 17.60.070 of Chapter 17.60 of the Zoning Code regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in order to reflect current state law regarding these uses and additional revisions to assist in the development and review of accessory dwelling units in the City of San Pablo.

Additional minor revisions and amendments may be added during the course of the public review of the proposed amendments to assist in the clarity, consistency, and administration of the Zoning Ordinance. This is a City-initiated project and the proposed amendments apply citywide. The proposed amendment is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17, which exempts the adoption of accessory dwelling unit ordinances.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held at the Planning Commission meeting on **Tuesday, the 28th of July 2026 at 6:00 p.m.** in the Council Chambers at 1000 Gateway Avenue, San Pablo, CA 94806.

All interested parties are invited to attend said hearing and express opinions concerning the item during consideration. Members of the public may participate in-person. Members of the public may also view the meeting virtually through an on-line webinar which is livestreamed. Comments on agenda items may also be submitted in advance to [pcommission@sanpabloca.gov](mailto:pcommission@sanpabloca.gov). **Public comment by zoom or telephone during the meeting will not be accepted.** Further information and links to virtual attendance may be found on the Planning Commission agenda to be posted at least 72 hours prior to the meeting at: <https://sanpablo.legistar.com/Calendar.aspx>

NOTE: If you challenge these items in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Si necesita asistencia en español, por favor contacte al Departamento de Desarrollo Comunitario al (510) 215-3047.

Sandra Castaneda Marquez,  
AICP, Planning Manager  
Community Development Department  
City of San Pablo, California

**WCT 6978200 July 8, 2026**



# City of San Pablo

Council Chambers  
1000 Gateway Avenue  
San Pablo, CA 94806  
(510) 215-3000  
[www.SanPabloCA.gov](http://www.SanPabloCA.gov)

## Legislation Text

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**File #:** PC26-033, **Version:** 1

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**PREPARED BY:** SANDRA CASTANEDA

**DATE OF MEETING:** 07/28/2026

**SUBJECT:**

CONSIDERATION OF A VESTING TENTATIVE PARCEL MAP TO ALLOW FOR THE SUBDIVISION OF A 2.39 ACRE PARCEL, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 411-330-041, INTO TWO PARCELS OF 1.97 ACRES AND 0.42 ACRES

CEQA: The proposed project (vesting tentative parcel map) has been determined to be categorically exempt from the provisions of CEQA under CEQA Guidelines Section 15315, Class 15, Minor Land Division.

Conduct public hearing; adopt Resolution

**REQUESTED ACTION**

A request for approval of a vesting tentative parcel map to allow for the division of a 2.39-acre parcel, identified as assessor's parcel number 411-330-041, into two parcels of 1.97 acres, and 0.42 acres. The parcel is currently owned by the City of San Pablo ("City"). The City and Danco Communities ("developer"), an affordable housing developer, entered into a Development and Disposition Agreement ("DDA") in order to facilitate a two-phase, mixed-use affordable housing development project known as Alvarado Gardens. This minor subdivision is a requirement of the DDA to create a separate parcel containing the Blume House and related buildings to be retained under City ownership.

**PUBLIC HEARING NOTICE**

A Public Hearing Notice was published in the West County Times (West Contra Costa edition of the East Bay Times) newspaper on Wednesday, July 18<sup>th</sup>, 2026.

**ENVIRONMENTAL DOCUMENTATION**

Pursuant to the California Environmental Quality Act (CEQA), the Vesting Tentative Parcel Map has been determined to be categorically exempt from the provisions of CEQA under CEQA Guidelines Section 15315, Class 15, Minor Land Division.

**BACKGROUND**

The City of San Pablo currently owns subject parcel (APN: 411-330-041), which is part of the old City Hall site, located at the northwest corner of San Pablo Avenue and Church Lane. The City entered into a DDA with Danco Communities to develop the 4.43-acre site with a mixed-use project featuring 100-units of affordable multi-family housing and 7,500 square feet of ground floor commercial space. The former City Hall property consists of three parcels. "Lot A" (APN: 411-330-041), which is 2.39 acres, is proposed to be subdivided into two parcels, Lot 1 and Lot 2 as part of the current Phase 2 of the Alvarado Gardens development. "Lot B" contains the completed Phase 1 of the project, and "Lot C" contains the Alvarado Abode Museum, which the City will continue to own.

The request to subdivide Lot A is intended to separate Phase 2 of the Alvarado Gardens project from a cluster of three historic buildings owned by the City (the Blume House Museum, the Bunk House and the Teixeira House), referred to as the “Historic Buildings Parcel”, which will be excluded from the project and retained by the City. Under Section 1.2.2 of the DDA, the developer is required to prepare and record a Parcel Map creating two parcels: one for Phase 2 of the project, (resulting Lot 2) and one for the Historic Buildings Parcel (resulting Lot 1).

The proposed Vesting Tentative Parcel Map will satisfy this requirement. It ensures that the City can retain ownership of the parcel containing the historic structures while allowing the developer to proceed with Phase 2 of the Alvarado Gardens project. In addition, the parcel map establishes the necessary vehicular, pedestrian, utility, and parking access easements to ensure both resulting parcels are properly served.

### **GENERAL PLAN CONFORMANCE**

The General Plan designation of the applicable parcel is Mixed Use Center- Old City Hall. The designation allows for a variety of commercial, residential, and public institutional uses. The Vesting Tentative Parcel Map is consistent with the General Plan 2035 as identified in General Plan Guiding and Implementing Policies for Land Use and Physical Design for promoting a sustainable and balanced land use pattern, ensure planned uses are compatible with existing uses and provide for appropriate transitions and buffers for new uses, preserving the City’s overall image, and recognizing the importance of promoting housing and mixed-use development.

### **SAN PABLO AVENUE SPECIFIC PLAN CONFORMANCE**

The site is located within the San Pablo Avenue Specific Plan, designated Mixed Use Center- Old City Hall Site. The Specific Plan describes the Mixed Use Center City Hall site as follows:

*The Mixed Use Center City Hall Site designation is limited to the 4.46-acre City Hall site at 13813 San Pablo Avenue. Mixed-use development may be all residential or mixed use that may include commercial, office (including medical offices), residential, institutional, and hotel. Typical heights are expected to be two to five stories, with a maximum height of 60 feet. The maximum FAR is 2.5 and the maximum residential density allowed is 60 units per gross acre (included within the FAR limit).*

The Parcel Map is consistent with the San Pablo Avenue Specific Plan as it implements an approved development project that provides affordable housing and creates a pedestrian- and transit- friendly environment along San Pablo Avenue.

### **PLANNING COMMISSION ACTION**

As required in Municipal Code Section 16.04.050 (F)(1) - Planning Commission Action, for parcel maps, the Planning Commission shall hold a public hearing and shall approve, conditionally approve or disapprove the vesting tentative map subject to the determination that the project is exempt from the requirements of the California Environmental Quality Act.

Prior to approving an application for a vesting tentative parcel map, the Planning Commission shall find that all of the following are true:

- A. *<<https://ecode360.com/45745512>>Plan consistency. That the proposed map is consistent with the general plan and any applicable specific plan or other adopted applicable plan;*

*B. <<https://ecode360.com/45745512>>Design or improvement. That the design or improvement of the proposed subdivision is consistent with the general plan and any applicable specific plan;*

*C. <<https://ecode360.com/45745512>>Type of development. That the site is physically suitable for the type of development proposed;*

*D. <<https://ecode360.com/45745512>>Density of development. That the site is physically suitable for the proposed density of development;*

*E. <<https://ecode360.com/45745512>>Fish or wildlife. That neither the design of the subdivision nor any proposed improvements is likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat;*

*F. <<https://ecode360.com/45745512>>Public health. That the design of the subdivision or type of improvement is not likely to cause significant public health problems;*

*G. <<https://ecode360.com/45745512>>Access. That the design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed subdivision.*

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission conduct a Public Hearing and adopt Resolution PC26-10 approving PLAN26-06-0013 to approve a Vesting Tentative Parcel Map, subject to the findings and conditions.

### **ATTACHMENTS**

Att A. Resolution PC26-10

Att B. Location Map

Att C. Vesting Tentative Parcel Map

Att D. Notice of Public Hearing

## **RESOLUTION PC26-10**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO APPROVING A VESTING TENTATIVE PARCEL MAP TO ALLOW FOR THE DIVISION OF A 2.39 ACRE PARCEL, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 411-330-041, INTO TWO PARCELS OF 1.97 ACRES, AND 0.42 ACRES.**

**WHEREAS**, San Pablo Municipal Code Title 16 regarding Subdivisions has certain requirements regarding Vesting Tentative Parcel Maps, and that the Vesting Tentative Parcel Map is consistent with these regulations; and,

**WHEREAS**, an application by the City of San Pablo, PLAN2606-0013, was submitted to divide an existing 2.39-acre parcel, identified by Assessor's Parcel Number 417-330-041, into two parcels of 1.97 acres, 0.42 acres; and

**WHEREAS**, the parcel, identified as 411-330-041, is owned by City of San Pablo ("City"), and being used to develop "Phase 2" of Alvarado Gardens affordable housing project ("project") by Danco Communities ("developer"); and

**WHEREAS**, the developer entered into a Development Agreement Disposition ("DDA") with the city for the development of Phase 2 of the Alvarado Gardens mixed-use affordable housing project; and,

**WHEREAS**, the parcel for Phase 2 of the project, APN 411-330-041, includes three Historic Buildings owned by the City (the Blume House Museum, the Bunk House and the Teixeira House), which will be excluded from the project; and,

**WHEREAS**, the Amended and Restated Disposition and Development Agreement ("ARDDA"), Section 1.2.2, requires the developer to prepare and record a Parcel Map for Phase 2 of the project, (resulting Lot 2) and Historic Building Parcel (resulting Lot 1); and,

**WHEREAS**, the Planning Commission is the deciding body for the Vesting Tentative Parcel Map under Municipal Code section 16.04.050 - Review Procedures:

F.(1): For parcel maps, the planning commission shall hold a public hearing and shall approve, conditionally approve or disapprove the vesting tentative map; and,

**WHEREAS**, the proposed Vesting Tentative Parcel Map is consistent with the Subdivision Map Act; and,

**WHEREAS**, the parcel identified as APN 411-330-041 is located within the San Pablo Avenue Specific Plan and designated Mixed Use Center- Old City Hall Site; and,

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), the Vesting Tentative Parcel Map has been determined to be categorically exempt from the provisions of CEQA under CEQA Section 15315, Class 15, Minor Land Division; and,

**WHEREAS**, on July 28th, 2026, 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**, a Public Hearing Notice was published in the West County Times newspaper (West Contra Costa edition of the East Bay Times) on Wednesday, July 18, 2026, 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 makes the following findings in approving PLAN2606-0013, a Vesting Tentative Parcel Map:

- A. Approval of the Vesting Tentative Parcel Map is exempt from CEQA pursuant to CEQA Guidelines section 15315.

*The subdivision involves the division of land in an urbanized area that is zoned for residential, commercial, or industrial use into four or fewer parcels and the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.*

- B. That the Vesting Tentative Parcel Map is consistent with the General Plan and any applicable specific plan or other adopted applicable plan.

*The Vesting Tentative Parcel Map is consistent with the General Plan 2035 as identified in General Plan Guiding and Implementing Policies for Land Use and Physical Design for promoting a sustainable and balanced land use pattern, ensure planned uses are compatible with existing uses and provide for appropriate transitions and buffers for new uses, preserving the City's overall image, and recognizing the importance of promoting housing and mixed-use development. The Map is also consistent with the San Pablo Avenue Specific Plan as it responds to the policies that promote development of a diverse range of housing types, mixed-use projects, and pedestrian- and transit-friendly development along San Pablo Avenue.*

- C. That the design or improvement of the proposed subdivision is consistent with the general plan and any applicable specific plan;

*The design of the proposed two-lot subdivision is consistent with the general plan and the San Pablo Avenue Specific Plan as it provides the necessary vehicular, pedestrian, utility, and parking easements to serve all uses located in both resulting parcels.*

- D. That the site of the Vesting Tentative Parcel Map is physically suited for the type of development proposed.

*The Map is consistent with the standards established in the General Plan and San Pablo Avenue Specific Plan and it is also consistent with the ARDDA between the City and the developer for the purpose of developing Phase 2 or Alvarado Gardens, which consist of 50-affordable housing units and approximately 7,500 sq. ft. of ground floor retail.*

- E. That the site of the Vesting Tentative Parcel Map is physically suited for the density of development proposed.

*As mentioned above, the map is consistent with all applicable plans and the density of the development is also consistent with the development standards of the San Pablo Avenue Specific Plan.*

- F. That the design of the Vesting Tentative Parcel Map nor any proposed improvements is likely to cause substantial environmental damage, or substantially and avoidably injure fish or wildlife or their habitat.

*The Map is consistent with the General Plan and the San Pablo Avenue Specific Plan. An EIR was adopted by the City Council on June, 2011 for the San Pablo Avenue Specific Plan. The Vesting Tentative Parcel Map is categorically exempt from the provisions of CEQA under CEQA Section 15315, Class 15, Minor Land Division.*

- G. That the design of the subdivision or type of improvement is not likely to cause significant public health problems.

*The design of the Vesting Tentative Parcel Map is consistent with the General Plan and the San Pablo Avenue Specific Plan and it is categorically exempt from the provisions of CEQA under CEQA Section 15315, Class 15, Minor Land Division. The design of the map will not cause significant public health problems.*

- H. That the design of the Vesting Tentative Parcel Map will not conflict with easements acquired by the public at large for access through, or use of property within, the proposed area.

*The Map has been reviewed by Planning and Engineering divisions and will not conflict with any other required easements or have an impact on any other public easements.*

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of San Pablo hereby approves PLAN2606-0013, Vesting Tentative Parcel Map based upon the following Conditions of Approval.

- 1. In accordance with Municipal Code Section 16.04.070, the Vesting Tentative Parcel Map dated July 2026, and known as Exhibit C of this application, including 2 pages by BKF Engineers., is approved for a period of 24 months from the date of approval.
- 2. In accordance with Municipal Code Section 16.10, a Final Parcel Map for Vesting Tentative Parcel Map MS 776-26 must be prepared and submitted for City Engineer review and acceptance prior to Final Map recordation with the Contra Costa County Recorder's Office.
- 3. Any proposed development of the final parcels shall be reviewed and approved in accordance to Title 17 Zoning, of the San Pablo Municipal Code.
- 4. The applicant shall comply with the regulations of the City of San Pablo Municipal Code, and San Pablo Avenue Specific Plan.

**BE IT FURTHER RESOLVED**, that the Planning Commission of the City of San Pablo hereby finds that the foregoing recitations are true and correct, and are included herein by reference as findings.

\*\*\*\*\*

Adopted this 28th day of July, 2026, by the following vote:

AYES:           Commissioner (s)  
NOES:           Commissioner (s)  
ABSENT:       Commissioner (s)  
ABSTAIN:       Commissioner (s)

ATTEST:

APPROVED:

\_\_\_\_\_  
Sandra Castaneda Marquez, Secretary

\_\_\_\_\_  
Johana Gurdian, Chair



## SITE LOCATION





VESTING TENTATIVE PARCEL MAP  
MS776-26  
ALVARADO GARDENS APARTMENTS  
13831 SAN PABLO AVENUE  
CITY OF SAN PABLO, CALIFORNIA  
APN 411-330-041

PROJECT SUMMARY:

- OWNER: CITY OF SAN PABLO  
1000 GATEWAY AVENUE  
SAN PABLO, CA, 94806  
CONTACT:  
PHONE: (510) 215-3000
- SUBDIVIDER: DANCO BUILDERS NORTHWEST  
5251 ERICSON WAY, SUITE A  
ARCATA, CA 95521  
CONTACT: MCKENZIE DIBBLE  
PHONE: (707) 822-9000
- MAP PREPARED BY: BKF ENGINEERS  
160 W. SANTA CLARA STREET, SUITE 800  
SAN JOSE, CA 95113  
CONTACT: PHONG KIET  
PHONE: (408) 467-9100  
LICENSE NUMBER: C78237  
EXPIRATION DATE: 9/30/2027
- APN: 411-330-041
- GENERAL PLAN USE: MIXED USE CENTER SOUTH
- GROWTH AREA: N/A
- EXISTING LAND USE: GOVERNMENT-OWNED
- PROPOSED LAND USE: GOVERNMENT-OWNED  
PRIMARY USE: RESIDENTIAL
- EXISTING ZONING: SP2 - SAN PABLO AVENUE SPECIFIC PLAN
- REZONING: N/A
- WATER SUPPLY: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)
- SANITARY SEWER: WEST CONTRA COSTA SANITARY DISTRICT
- STORM DRAIN: CITY OF SAN PABLO
- POWER AND GAS SUPPLY: PACIFIC GAS AND ELECTRIC COMPANY (PG&E)
- TELEPHONE: AT&T
- INTERNET: COMCAST
- NO. OF EXISTING LOTS: 1
- NO. OF PROPOSED LOTS: 2
- TOTAL GROSS ACREAGE: 2.39 ACRES
- SOIL TYPE: CLAY LOAM
- DEPTH TO GROUNDWATER: 18' TO 21'
- FLOOD ZONE: ZONE X AND ZONE AE
- NO. OF UNITS PROPOSED: N/A

NOTES:

- LOT NUMBERS ARE FOR IDENTIFICATION ONLY AND ARE NOT INTENDED AS FINAL.
- LOT DIMENSIONS AND LOT AREAS ARE PRELIMINARY AND SUBJECT TO CHANGE DURING FINAL DESIGN.
- THIS MAP PROVIDES FOR THE CREATION OF A TWO LOTS, SEPARATING THE EXISTING HISTORICAL BLUME HOUSE BUILDING IN IT'S OWN LOT.

EASEMENT NOTES:

- RECIPROCAL ACCESS & PARKING EASEMENTS BETWEEN LOTS 1 AND 2 WILL BE PROVIDED AND RECORDED FOR THE BENEFIT OF BOTH PARCELS.
- AN EASEMENT FOR "WATER AND AIR PIPES AND INCIDENTAL PURPOSES", RECORDED SEPTEMBER 19, 1941 AS BOOK 621, PAGE 76 OF OFFICIAL RECORDS, DOES NOT HAVE A DEFINED LOCATION OF RECORD. THIS EASEMENT IS TO BE VACATED/QUITCLAIM VIA SEPARATE INSTRUMENT FOR THE PROPOSED SITE.
- AN EASEMENT FOR "POLE LINE AND INCIDENTAL PURPOSES", RECORDED SEPTEMBER 19, 1941 AS BOOK 621, PAGE 76 OF OFFICIAL RECORDS, DOES NOT HAVE A DEFINED LOCATION OF RECORD. THIS EASEMENT IS TO BE VACATED/QUITCLAIM VIA SEPARATE INSTRUMENT FOR THE PROPOSED SITE.

BASIS OF BEARINGS:

THE BEARING NORTH 46°46'43" WEST OF THE MONUMENT LINE OF SAN PABLO AVENUE, BETWEEN FOUND MONUMENTS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY. SAID BEARING IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83), CALIFORNIA COORDINATE SYSTEM, ZONE 3.

VERTICAL BENCHMARK:

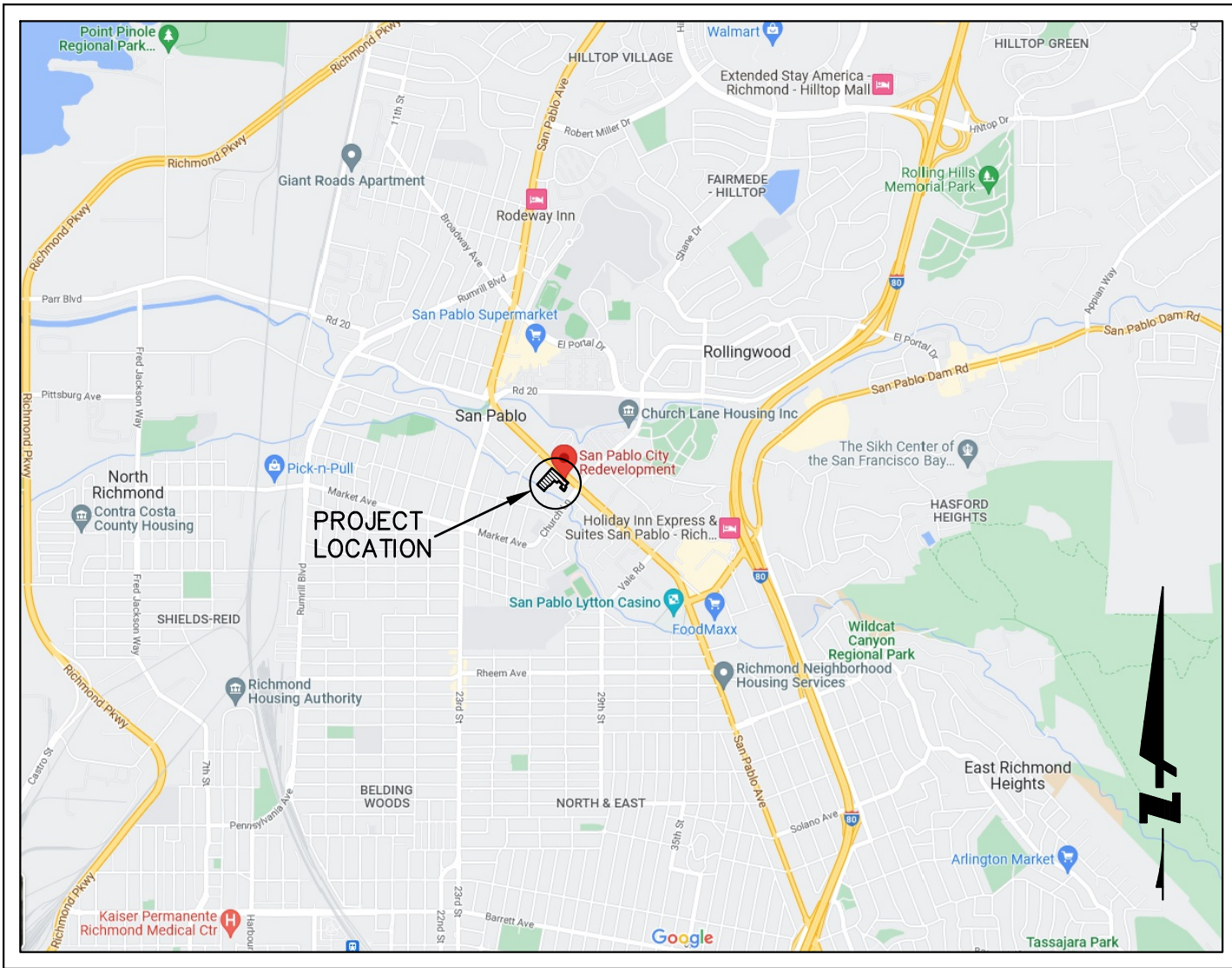
NGS BENCHMARK - GPS CONTROL PT 01, PID DE8480  
ELEVATION = 52.5 FEET, BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88.)

ENGINEER'S STATEMENT

THESE PLANS HAVE BEEN PREPARED BY ME OR UNDER MY DIRECTION IN ACCORDANCE WITH STANDARD ENGINEERING PRACTICE.

PHONG KIET  
PROJECT DIRECTOR  
BKF ENGINEERS  
P.E. #78237

7/15/2026  
DATE



VICINITY MAP

NTS

SHEET INDEX

| SHEET | DESCRIPTION               |
|-------|---------------------------|
| 1     | TENTATIVE MAP TITLE SHEET |
| 2     | TENTATIVE MAP SHEET       |

LEGEND

|           |                        |
|-----------|------------------------|
| ---       | PROPERTY LINE          |
| - - - -   | PROPOSED LOT LINE      |
| - . - . - | ADJACENT LOT LINE      |
| - - - -   | EXISTING EASEMENT LINE |
| - . - . - | PROPOSED EASEMENT      |
| ---       | STREET CENTER LINE     |
| ●         | STREET MONUMENT        |
| ▨         | PROJECT AREA           |

ABBREVIATIONS

| SYMBOL   | DESCRIPTION                       | SYMBOL    | DESCRIPTION                          |
|----------|-----------------------------------|-----------|--------------------------------------|
| AC       | ASPHALT CONCRETE                  | MH        | MANHOLE                              |
| AD       | AREA DRAIN                        | MON       | MONUMENT                             |
| APN      | ASSESSOR'S PARCEL NUMBER          | (N)       | NORTH/NEW                            |
| BLDG     | BUILDING                          | N.G.V.D.  | NATIONAL GEODETICS VERTICAL DATUM    |
| BM       | BENCH MARK                        | NO. #     | NUMBER                               |
| BW       | BACK OF WALK/<br>BOTTOM OF WALL   | NTS       | NOT TO SCALE                         |
| C&G      | CURB & GUTTER                     | P.A.E.    | PUBLIC ACCESS EASEMENT               |
| C - CL   | CENTERLINE                        | PCC       | PORTLAND CEMENT CONCRETE             |
| CON      | CONCRETE                          | PL        | PROPERTY LINE                        |
| CR       | CURB RETURN                       | P.S.D.E.  | PRIVATE STORMWATER DRAINAGE EASEMENT |
| CVC      | CENTER OF VERTICAL CURVE          | PT        | POINT                                |
| DIA      | DIAMETER                          | PV        | PAVEMENT                             |
| DWG      | DRAWING                           | R         | RADIUS                               |
| EL       | END OF CURB RETURN                | RCP       | REINFORCED CONCRETE PIPE             |
| EL       | ELEVATION                         | RT        | RIGHT                                |
| EP       | EDGE OF PAVEMENT                  | ROW       | RIGHT OF WAY                         |
| E.V.A.E. | EMERGENCY VEHICLE ACCESS EASEMENT | (S) OR S. | SOUTH                                |
| EVC      | END VERTICAL CURVE                | ST        | STREET                               |
| EX       | EXISTING                          | STD       | STANDARD                             |
| F/C      | FACE OF CURB                      | SW        | SIDEWALK                             |
| FT       | FEET                              | TYP.      | TYPICAL                              |
| LT       | LEFT                              | VC        | VERTICAL CURVE                       |
| LF       | LENGTH                            | VIF       | VERIFY IN FIELD                      |
| LG       | LINEAR FEET                       | W/        | WITH                                 |
|          | LIP OF GUTTER                     | (W)       | WEST                                 |

MS776-26

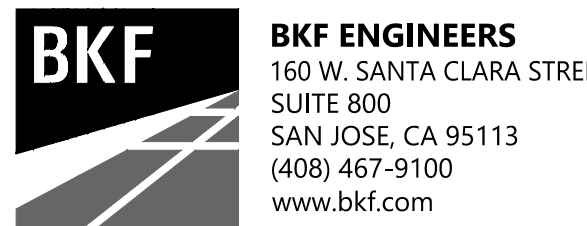
VESTING TENTATIVE PARCEL MAP  
FOR  
ALVARADO GARDENS APARTMENTS  
2 LOTS

BEING A SUBDIVISION OF THAT PORTION OF THE LANDS SHOWN AS (PARCEL OR LOT X) IN THE CERTIFICATE APPROVING LOT LINE ADJUSTMENT RECORDED MARCH 24, 2023 AS INSTRUMENT NO. 2023-0027726 OF OFFICIAL RECORDS CONTRA COSTA COUNTY RECORDS

13831 SAN PABLO AVENUE  
CITY OF SAN PABLO, CALIFORNIA  
APN 411-330-041  
CONTAINING 2.39 ACRES

JULY 2026

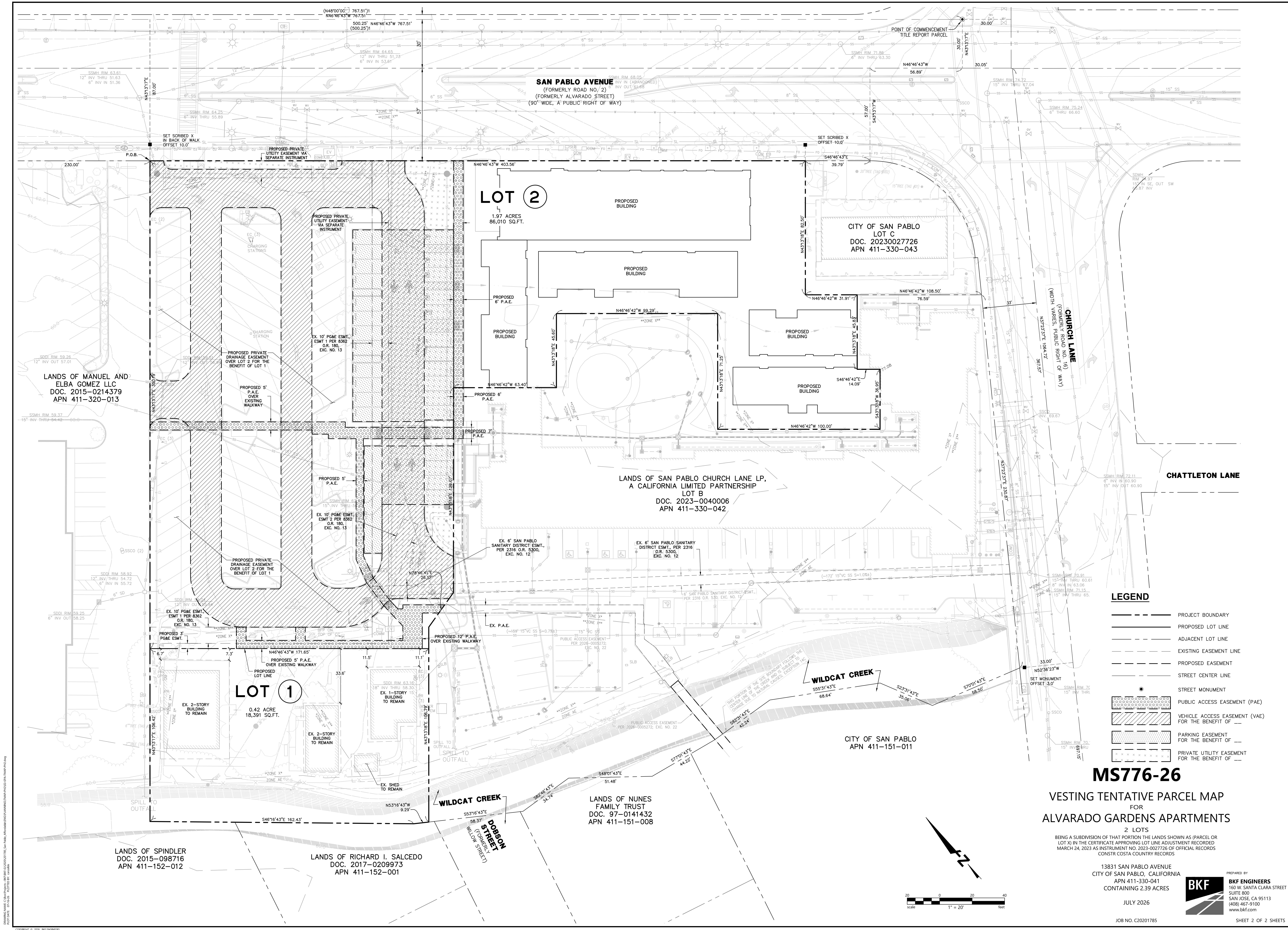
JOB NO. C20201785



PREPARED BY  
**BKF ENGINEERS**  
160 W. SANTA CLARA STREET  
SUITE 800  
SAN JOSE, CA 95113  
(408) 467-9100  
www.bkf.com

SHEET 1 OF 2 SHEETS





**LEGEND**

- PROJECT BOUNDARY
- PROPOSED LOT LINE
- ADJACENT LOT LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT
- STREET CENTER LINE
- STREET MONUMENT
- PUBLIC ACCESS EASEMENT (PAE)
- VEHICLE ACCESS EASEMENT (VAE) FOR THE BENEFIT OF
- PARKING EASEMENT FOR THE BENEFIT OF
- PRIVATE UTILITY EASEMENT FOR THE BENEFIT OF

**MS776-26**

**VESTING TENTATIVE PARCEL MAP  
FOR  
ALVARADO GARDENS APARTMENTS**

2 LOTS

BEING A SUBDIVISION OF THAT PORTION OF THE LANDS SHOWN AS (PARCEL OR LOT X) IN THE CERTIFICATE APPROVING LOT LINE ADJUSTMENT RECORDED MARCH 24, 2023 AS INSTRUMENT NO. 2023-0027726 OF OFFICIAL RECORDS CONSTR COSTA COUNTRY RECORDS

13831 SAN PABLO AVENUE  
CITY OF SAN PABLO, CALIFORNIA  
APN 411-330-041  
CONTAINING 2.39 ACRES

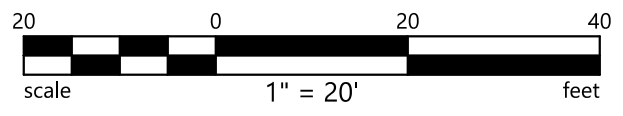
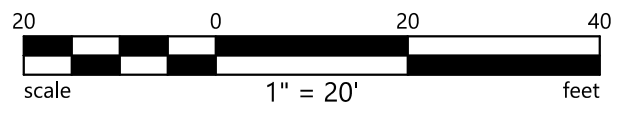
JULY 2026

JOB NO. C20201785

**BKF**  
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160 W. SANTA CLARA STREET  
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SAN JOSE, CA 95113  
(408) 467-9100  
www.bkf.com

PREPARED BY

SHEET 2 OF 2 SHEETS





2015901

SAN PABLO CITY OF  
1000 GATEWAY AVENUE  
ATTN: CASEY ERLLENHEIM  
SAN PABLO, CA 94806

**PROOF OF PUBLICATION**

**FILE NO. 7/28 Hearing/PLAN2606-0013**

**West County Times**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter.

I am the Principal Legal Clerk of the West County Times, a newspaper of general circulation, printed and published in the City of Walnut Creek, County of Contra Costa, 94598

And which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Contra Costa, State of California, under the date of August 29, 1978. Case Number 188884.

The notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**07/18/2026**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 18th day of July, 2026.



Signature

Legal No.

**0006979557**

**CITY OF SAN PABLO  
NOTICE OF PUBLIC HEARING  
TUESDAY, JULY 28, 2026**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of San Pablo, State of California, will hold a public hearing on the following item:

**PLAN2606-0013:** Consideration of a Tentative Parcel Map to allow for the division of a 2.39 acre parcel identified as Assessor's Parcel No: 411-330-041. The proposed Tentative Parcel Map would divide the existing parcel into two parcels of 1.97 acres, and 0.42 acres. The property is zoned SP2-San Pablo Avenue Specific Plan and designated Mixed Use Center - Old City Hall Site. It has been determined that the proposed action is categorically exempt under the California Environmental Quality Act Section 15315, Class 15, Minor Land Division.

NOTICE IS HEREBY FURTHER GIVEN that the hearing will be held at the Planning Commission meeting on **Tuesday, the 28th of July 2026 at 6:00 p.m.** in the Council Chambers at 1000 Gateway Avenue, San Pablo, CA 94806.

All interested parties are invited to attend said hearing and express opinions concerning the item during consideration. Members of the public may participate in-person. Members of the public may also view the meeting virtually through an on-line webinar which is livestreamed. Comments on agenda items may also be submitted in advance to [pcommission@sanpabloca.gov](mailto:pcommission@sanpabloca.gov). **Public comment by zoom or telephone during the meeting will not be accepted.** Further information and links to virtual attendance may be found on the Planning Commission agenda to be posted at least 72 hours prior to the meeting at: <https://sanpablo.legistar.com/Calendar.aspx>

NOTE: If you challenge these items in court, you may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Si necesita asistencia en español, por favor contacte al Departamento de Desarrollo Comunitario al (510) 215-3047.

Sandra Castaneda Marquez,  
AICP, Planning Manager  
Community Development Department

**WCT 6979557 July 18, 2026**



## Legislation Text

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**File #:** PC26-036, **Version:** 1

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**PREPARED BY:** MEL MACKSON      **DATE OF MEETING:** 07/28/2026

**SUBJECT:**

PLANNING COMMISSION STUDY SESSION REGARDING PROPOSED AMENDMENTS TO MISCELLANEOUS SECTIONS OF TITLE 17 "ZONING" OF THE SAN PABLO MUNICIPAL CODE IN ORDER TO: MAINTAIN CONSISTENCY ACROSS CODE SECTIONS, REFLECT CURRENT PRACTICE, IMPLEMENT BEST PRACTICE, AND MAKE OTHER MINOR, ADMINISTRATIVE CHANGES

CEQA: This is not a project subject to environmental review under the California Environmental Quality Act.

For Informational Purposes Only

**BACKGROUND**

Staff is working on a series of code "clean-up" text amendments to comply with state law, reflect current practice, implement best practice, and facilitate efficient, consistent, and clear interpretation and application of the Zoning Ordinance. Each batch will first be presented as a study session to the Planning Commission. This is an opportunity for the Commissioners to review and discuss the proposed draft changes with no action item. With feedback and direction by the Planning Commission from the study session, staff will then bring the final proposed text amendments back to a future Planning Commission meeting as a public hearing to consider a recommendation for City Council to adopt the amendments.

**DISCUSSION**

The first batch of proposed amendments are small fixes to administrative processes in order to reflect current practice and/or implement best practice. The proposed amendments include the following:

- Conditional Use Permit findings

The findings that must be made by the Planning Commission in order to grant a Conditional Use Permit (CUP) are proposed to be repealed and replaced. The proposed language is similar to what is existing, but is more objective, clear, and practical. Various sections throughout the code that mention the CUP process and findings will also be updated to reflect the changes.

Section 17.20.040(B) *Conditional use permit*

**EXISTING:**

"Findings. In order to grant any use permit, the findings of the planning commission shall be that the establishment, maintenance, or operation of the use of the building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or

to the general welfare of the city.”

PROPOSED:

“In order to grant a Conditional Use Permit, the Planning Commission shall make the following findings:

1. The proposed location and use are consistent with the General Plan and the Zoning Ordinance.
2. The design and operating characteristics of the proposed use are appropriate for their intended function and are harmonious with, and properly related to, the surrounding environment, adjacent properties, and the site itself.
3. The proposed use will not be detrimental to the public health, safety or welfare of the surrounding neighborhood.
4. The site of the proposed use is adequately served by highways, streets, pedestrian and bicycle access, and other public service facilities.”

- Permit approvals, extensions, and expiration

When land use and planning permits and entitlements are granted, the existing code says that the property owner must “exercise” the permit within one year of approval. The code defines exercising a permit as follows: “The exercise of a permit occurs when the property owner has performed substantial work as determined by the zoning administrator and the building official and incurred substantial liabilities in good faith reliance on the building permit.” [Section 17.16.100(B)]

An extension of up to one year can be granted by the same approving authority that granted the original permit, to include public notice and/or a public hearing. If the time limits are reached without exercising the permit, it is deemed expired. However, many permit types that would be subject to this section have their own provisions that contradict this section. For example, Major Design Review, Variances, and CUPs are all approved by the Planning Commission, but their respective sections require the issuance of a building permit within one year, and direct the Zoning Administrator to evaluate extension requests.

The proposed changes would amend the language regarding general permit expiration to be consistent with the sections subject to the existing language. The proposed changes would also extend the permit time limit from one year to two years, and increase permit extensions from one year to no more than two years. Other sections of the code that outline expiration timelines and extension would be updated in accordance with the proposed changes.

The proposed changes are also a response to the reality of large development projects in San Pablo today. The process of having plans reviewed and revised to meet changing state and federal requirements has lengthened the time it takes to obtain a building permit. Staff has experienced a trend of large development projects that receive planning approval but face obstacles trying to obtain building permits. This creates a scramble for the developer and staff to process an extension before the expiration date. If the permit expires, the project has to obtain approval from the Planning Commission again, creating a redundant, costly, and unnecessary obstacle for developers, as well as a drain on staff time.

Proposed language is in draft stages and will be shaped by input from the Planning Commission

during the study session.

Section 17.16.100 *Permit time limits, extensions, and expiration*

PROPOSED:

"A. Time limits. Unless a condition of approval or other provision of this title establishes a different time limit, any permit not exercised within two ~~one~~ years of approval shall expire and become void, except where an extension of time is approved pursuant to this section.

B. Exercising permits. The exercise of a permit occurs when the property owner has performed substantial work as determined by the zoning administrator and the building official and incurred substantial liabilities in good faith reliance on the building permit. A permit may be otherwise exercised pursuant to a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitute exercise of the permit. Unless otherwise provided, permits that have not been exercised prior to a zoning amendment, which would make the permitted use or structure nonconforming, shall automatically be deemed invalid on the effective date of the zoning amendment.

C. Permit extensions. The approval of an extension extends the expiration date for up to two years from the permit's expiration ~~original permit~~ date.

1. Process. The Zoning Administrator ~~same approving authority that granted the original~~ permit may extend the period within which the exercise of a permit must occur. Notice ~~and/or public hearing~~ shall be provided in the same manner as for the original permit. An application for extension shall be filed not less than thirty days prior to the expiration date of the permit, along with appropriate fees and application submittal materials.

2. Conditions. The permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the permit was initially approved.

3. Permit extension findings. The extension may be granted only when the designated approving authority finds that the original permit findings can still be made and there are no changed circumstances or there has been diligent pursuit to exercise the permit that warrants such extension.

4. Expiration. If the time limits are reached with no extension requested, or a requested extension is denied or expires, the permit expires.

D. Permit expiration for a closed business. All permits and entitlements shall expire when a business is closed for more than one calendar year. Approval of new permits and entitlements based on current requirements shall be required prior to any business activity on the site."

Section 17.20.040 *Conditional use permit*

PROPOSED:

"Expiration. A use permit shall automatically expire if thea building permit has not been issued exercised within ~~one year~~ two years from the date of final approval. A time extension not exceeding ~~one year~~ two years beyond the initial ~~one~~two-year period may be granted by the ~~z~~Z

oning aAdministrator. A public hearing is not required for the extension.”

Additional sections of the Zoning Code that reference other entitlement permits and their expiration timelines will have similar proposed changes as the Conditional Use Permit section shown above.

- Mobile Vending approval process

The Zoning Code defines "Mobile vending" as the following: "Mobile food trucks on private or public property as defined in California Vehicle Code Section 670 as any vehicle that is equipped and used for retail sales of prepared, prepackaged or unprepared, unpackaged food or foodstuffs of any kind. Push carts are not included."

The Mobile Vending use is not allowed by right in any district, but is instead either prohibited, or subject to approval processes in the districts where it may be allowed. Please note that it is also prohibited within the boundaries of the San Pablo Avenue Specific Plan regardless of zoning district. The required approval process regulates the use in accordance with the Mobile Vending section of the code (17.62.140). The proposed change would require an Administrative Use Permit (AUP) instead of a Conditional Use Permit (CUP) in the CMU and IMU districts. This change acknowledges the existing process and regulation for this use, and seeks to make the approval process proportionate to the use, and implement best practice for permitting this use.

The CUP process is intended for projects or uses involving a higher intensity such that they may impact an entire neighborhood or even the whole city. Therefore, a public hearing before the Planning Commission is the appropriate forum for review and deliberation. It requires more staff time to prepare a CUP than an AUP, and is a higher bar for applicants to meet in terms of cost, application materials, and time. In addition, use permits are tied to the parcel where they are granted. A CUP is a less flexible permit for Mobile Vending because a change in location requires an amendment, which must be brought before the Planning Commission again for review and approval.

The AUP process occurs at the staff level, and is intended for uses or activities whose effects on immediately adjacent properties and surroundings need to be evaluated in terms of the specific proposal for the specific site. Coupled with the Mobile Vending section, the AUP process provides sufficient scrutiny and regulation of the Mobile Vending use. Last year, the Planning Commission recommended adoption of the Rumrill Corridor Plan, which may allow Mobile Vending with an AUP on EMU and MUCW sites along the Rumrill Corridor. Multiple AUPs have successfully been issued for Mobile Vending since its adoption.

Peer jurisdictions also consistently grant Mobile Vending permits at the administrative level, and seldom, if at all, require Planning Commission approval. These include Richmond, Hercules, and El Cerrito.

Section 17.34.030 *Uses allowed.*

PROPOSED



| Table 17.34-A-Commercial and Industrial Districts: Use Regulations |    |    |     |     |     |      |
|--------------------------------------------------------------------|----|----|-----|-----|-----|------|
| Land Use/Z                                                         | NC | CR | CMU | IMU | EMU | MUCW |
| <b>Retail, Service, and Office Uses</b>                            |    |    |     |     |     |      |
| Mobile Vend                                                        | —  | —  | UA  | UA  | A   | A    |

**Notes:**

3. Food truck festivals require a temporary use permit.

Section 17.62.140(B) *Mobile vending*

**PROPOSED**

~~“Findings-Approvals. In approving an application for a mobile vending truck, the planning commission Zoning Administrator must find the application to be compliant with this section, as well as grant an Administrative Use Permit and make the findings pursuant to section 17.18.080 find that the proposed use will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the city.”~~

- Zoning Administrator public noticing

The proposed change would replace “interested parties” with “adjoining properties”, and add the Planning Commission to the list of noticed entities for Zoning Administrator decisions. This amendment would clarify the code language to reflect current and reduce ambiguity in our noticing requirements. It would also include the Planning Commission in the noticing process to keep them apprised of staff level decisions made by the Zoning Administrator.

Section 17.16.060(A) *Notice of zoning administrator decisions.*

**PROPOSED**

“Notice. For applications decided by the zoning administrator as listed in Table 17.16-A-Approving Authority for Land Use Entitlements, the notice of decision of a zoning administrator shall be provided, in writing, to the applicant, ~~interested parties~~ adjoining properties, and members of the Planning Commission and eCity eCouncil. If no concerns are expressed, the application will be rendered without appeal...”

**CONCLUSION**

The purpose of this study session is for the Planning Commission to review and discuss proposed text amendments to the Zoning Ordinance. There is no action to be taken on this item. Staff will incorporate input from the Commissioners and bring a finalized text amendment proposal to a future Planning Commission meeting as a public hearing.