

RESOLUTION 19-09

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN PABLO RECOMMENDING TO THE CITY COUNCIL APPROVAL OF PLAN 1808-0016, AMENDMENTS TO ZONING ORDINANCE CHAPTERS 17.08, 17.16, 17.32, 17.34, 17.36, 17.40, 17.42, 17.45, 17.46, 17.48, 17.54, 17.58, 17.62, 17.68, and 17.70 AND MUNICIPAL CODE CHAPTERS 8.02, 8.36, 9.58, 15.56 and 18.04, REGARDING A VARIETY OF ZONING AND LAND USE TOPICS

WHEREAS, on May 18, 2015, the City of San Pablo adopted the City of San Pablo, California Zoning Ordinance as Municipal Code Title 17, incorporating land use changes to the City's General Plan and San Pablo Avenue Specific Plan, both of which were adopted in 2011 by the City Council; and,

WHEREAS, in recent years, City staff have found areas in the San Pablo Zoning Ordinance where there are internal inconsistencies between sections in the Zoning Code; language that could use further clarification; updating of certain terms and concepts; duplication of information between sections of the Zoning Code; and minor typographic or formatting errors; and,

WHEREAS, City staff have also identified topic areas in the Zoning Code that can benefit from updated requirements to reflect community goals and current planning practice, such as limits for improvements to nonconforming structures, landscaping requirements for single-family and two-family residences, off-street parking requirements for certain uses, and wall signage for properties with multiple frontages; and,

WHEREAS, in order to explore and evaluate potential amendments to the Zoning Ordinance, staff conducted a series of study sessions with the Planning Commission in 2018 and 2019. The purpose of these study sessions was to discuss substantive topic areas with the Planning Commission and San Pablo residents in order to help refine and clarify the implementation of the Zoning Code; and,

WHEREAS, the proposed changes to Title 17, and related amendments to Chapters 8.02, 8.36, 9.58, 15.56 and 18.04 of the Municipal Code have been compiled and presented to the Planning Commission and the public for review; and,

WHEREAS, pursuant to the California Environmental Quality Act, the proposed project has been determined to be categorically exempt from the provisions of CEQA, in accordance with CEQA Guidelines Section 15305 Minor Alterations in Land Use Limitations and Section 15061(b)(3) with no potential for causing a significant effect on the environment; and

WHEREAS, a public notice hearing has been published in the West County Times in accordance with the requirements of Government Code Section 65091; and

WHEREAS, the Planning Commission conducted a public hearing on December 17, 2019, at which oral and written testimony was taken, in addition to reviewing the staff report and attachments.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of San Pablo has reviewed the proposed Ordinance (Exhibit 1) and recommends approval of PLAN1808-0016, relating to portions of the ordinance amending the Zoning Ordinance, to the City Council, based on the following findings:

- A. The Ordinance is consistent with the City of San Pablo General Plan.

The proposed ordinance meets the intent of the following policies:

General Plan LU-I-31: Establish zoning standards, including maximum size and separation requirements, for any commercial land use type that could adversely affect adjacent residential areas or create health and safety impacts. Adult businesses, check-cashing establishments, and alcohol sales are typical of the types of uses that would be subject to this policy.

General Plan LU-I-5: Promote the phasing out of old uses in areas designated for new land use in an orderly fashion, consistent with adopted general plan designations. Promote the continuing viability of old uses during the transition period.

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

Pursuant to Zoning Ordinance Section 17.01.020 Purpose, the proposed ordinance promotes growth of the city in an orderly manner and promotes and protects the public health, safety, peace, comfort, and general welfare. This ordinance addresses public health and safety by prohibiting medical marijuana facilities and commercial marijuana facilities and activities and regulating personal use of marijuana.

- C. Pursuant to the California Environmental Quality Act, the proposed ordinance is categorically exempt based on Section 15305 Minor Alterations in Land Use Limitations and Section 15061(b)(3) with no potential for causing a significant effect on the environment.

The proposed ordinance consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density, in that the provisions in that the ordinance does not change the underlying land use patterns and density standards in the City's zones. There is no potential for causing a significant effect on the environment.

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

A public hearing notice was published in the West County Times newspaper on Saturday, December 7, 2019.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

Adopted this 17th day of December, 2019, by the following vote to wit:

AYES:	COMMISSIONERS:	Shi, Gantt, Feliciano, Harlan-Ogbeido, Morris
NOES:	COMMISSIONERS:	None
ABSENT:	COMMISSIONERS:	None
ABSTAIN:	COMMISSIONERS:	None

ATTEST:

APPROVED:

/s/ Charles Ching
Charles Ching
Secretary

/s/ Paul V. Morris
Paul V. Morris
Chairman